

**THE ISSUE OF COMFORT WOMEN AND LIANCOURT ROCKS DISPUTE:
UNRESOLVED ISSUES FOR ADVANCING U.S.-SOUTH KOREA-JAPAN
TRILATERAL RELATIONSHIP**

by

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A thesis submitted to Johns Hopkins University in conformity with the requirement for
the degree of Master of Arts

Baltimore, Maryland

October 2020

Abstract

The pivot to Asia policy from the Obama administration to the Asia Reassurance Initiative Act signed into law by the Trump administration signals the importance of sustaining the U.S. influence in Asia. While the policy and the law broadly refer to Asia, the embodiment of those enactments emphasizes keeping a check on China's influence in Asia. The U.S. foreign policy in East Asia relies on cooperation from many of its allies in the region and South Korea and Japan are arguably the two biggest allies in the East Asia region. Without support from the two nations, the U.S. cannot effectively control limiting China's dominance in the region. This thesis attempts to shed a light on issues that placed distrust between South Korea and Japan and argue that the U.S. must intervene and mediate to overcome the issues in order for the U.S.-South Korea-Japan trilateral relationship to be successful. The issue of "Comfort Women" and the dispute surrounding the Liancourt Rocks have deteriorated the South Korea-Japan bilateral relationship. By examining the deployment of the latest missile defense system created by the U.S. and the Japan-U.S. Defense Cooperation treaty, this thesis will convey the importance of building up the trilateral relationship given the rise of China for the benefit of advancing U.S. foreign policy in East Asia. The "Comfort Women" and the Liancourt Rocks dispute remaining unresolved, the U.S. will face difficult challenges to rally undivided cooperation from South Korea and Japan.

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Introduction

The U.S. foreign policy in the period of the Obama administration shifted from focusing on Iraq and Afghanistan to Asia, a strategy that precipitated many scholars to study the “pivot” to Asia. President Obama urged Congress to fast-track a free-trade deal with Asia before China “vacuums” the region economically, asserting “(i)f we don’t write the rules, China will write the rules out in *that* region.”¹ President Obama further commented that, “(w)e want China to be successful. We want China to continue to embark on its peaceful rise...we just want to make sure that the rules of the road allow us to compete and everybody else to compete. We don’t want China to use its size to muscle other countries in the region around rules that disadvantage us.”² America has arguably flexed its muscle in the international arena for decades militarily, economically, and politically after World War II and following the fall of the Soviet Union. President Obama badgered Congress to act fast, hinting the urgency to constrain China’s influence in Asia. Asia is indeed one of the most important regions in the world for America, considering many allies in the region partnered strategically to secure the own interests of each nation, but plausibly in ways and means determined best-fit for the interest of America.

In “The Case of the Pivot to Asia: System Effects and the Origins of strategy,” Nicholas Anderson and Victor Cha state that President Obama’s view on the pivot to Asia consisted of, “U.S. commitment to security, prosperity, and human rights in the

¹ Gerald F. Seib, “Obama Presses Case for Asia Trade Deal, Warns Failure Would Benefit China,” The Wall Street Journal (Dow Jones & Company, April 27, 2015), <https://www.wsj.com/articles/obama-presses-case-for-asia-trade-deal-warns-failure-would-benefit-china-1430160415>. *Emphasis added.*

² Ibid.

Asia-Pacific”³ and that the pivot to Asia was a “midcourse correction to an early Obama administration Asia policy consisting of surprise, mistakes, and inattention.”⁴ In their view, the pivot to Asia was not an established foreign policy strategy from the inception of the Obama administration, but a reaction to better respond to changes in the Asia region. President Obama’s commitment to security, prosperity, and human rights was implemented by then-Secretary of State Hillary Clinton’s diplomatic strategy in the Asia region. Clinton’s strategy included strengthening U.S. bilateral security alliance with Australia, Japan, the Philippines, South Korea, and Thailand, deepening relationship with India, Indonesia, and China, engaging in multilateral institutions in Asia such as the Association of Southeast Asian Nations and Asia-Pacific Economic Cooperation, expanding free-trade agreement and the Trans-Pacific Partnership, and advancing human rights and democracy in places such as Burma, North Korea, and Vietnam.⁵ The Obama administration emboldened allies in the region in a form of military alliance and economic trade while pressuring those nations under the communist influence. As Anderson and Cha argue, the pivot to Asia strategy is a reaction to “surprise, mistakes, and inattention”⁶ and when examining the economic and military alliance in the region, the surprise, mistakes, and inattention refer to China. China’s emerging appearance in the world arena to challenge the influence of the U.S. surprised the Obama administration, and responses to counter the influence resulted in mistakes, and

³ Anderson, Nicholas D., and Victor D. Cha. 2017. “The Case of the Pivot to Asia: System Effects and the Origins of Strategy.” *Political Science Quarterly* (Wiley-Blackwell) 132 (4): p. 598.

⁴ Ibid. p. 616.

⁵ Ibid. p. 598.

⁶ Ibid. p. 616

inattention to detail on how China influenced the East Asia region culminated the administration to reshape the Asia foreign policy to what we know now as pivot to Asia.

In December 2018, President Trump signed the Asia Reassurance Initiative Act of 2018 (ARIA) into law, which states,

(w)ithout strong leadership from the United States, the international system, fundamentally rooted in the rule of law, may wither, to the detriment of United States, regional, and global interest. It is imperative that the United States continue to play a leading role in the Indo-Pacific region by – (A) defending peace and security; (B) advancing economic prosperity; and (C) promoting respect for fundamental human rights.⁷

ARIA references pivot to Asia strategy implemented by the Obama administration and signals the importance of exercising continuous influence in the Asia region. The continuation of the pivot to Asia strategy in a form of law with dedicated funding bespeaks the reality of emerging threat as China continues to rise against the United States to claim its leadership role in the Asia region. Section 2 of the law specifies findings that the “core tenets of the United States-backed international system are being challenged, including by (A) China’s illegal construction and militarization of artificial features in the South China Sea and coercive economic practices...”⁸ The findings continue with testimony from Professor Douglas Dillon at the Harvard University to the Subcommittee on East Asia, the Pacific, and International Cybersecurity Policy of the Committee on Foreign Relations of the Senate hearing that,

(a)s realistic students of history, Chinese leaders recognize that the role the United States has played since World War II as the architect and underwriter of regional stability and security has been essential to the rise of Asia, including China itself. But they believe that as the tide that brought the United States to Asia recedes, America must leave with it. Much as Britain’s role in the Western Hemisphere

⁷ Public Law No: 115-409

⁸ Ibid.

faded at the beginning of the twentieth century, so must America's role in Asia as the region's historic superpower resumes its place.⁹

For the Congress to include professor Dillion's testimony in the findings section of the law is confounding, reassuring with the promulgation of the law that as much as the Chinese leaders would like to see the United States fade as Britain's did, the United States will not recede from the region. Senator Gardner, one of the main sponsor of the ARIA stated that, "(f)or decades, U.S. policy was rooted in the belief that support for China's rise and for its integration into the postwar international world order would liberalize China...contrary to our hopes, China expanded its power at the expense of the sovereignty of others."¹⁰ The intent of the law, and the actual drafted language of the law all points to China, that the pivot to Asia is no longer a foreign policy agenda that could change from administrations to administrations, but a promulgated law with funding of \$1.5 billion to secure the U.S. influence in the region.

From the Obama administration's pivot to Asia policy to the Trump administration's ARIA, strengthening the trilateral relationship between United States, South Korea, and Japan is emphasized to a degree that the law mandates the incumbent administration to develop a strategy "to deepen trilateral security cooperation between the United States, Japan, and South Korea."¹¹ The success of maintaining a good tri-lateral relationship depends on the relationship between South Korea and Japan, given that the bilateral relationship between the U.S and South Korea, and the U.S. and Japan is relatively stable in favor of the U.S. given the U.S's upper-hand position.

⁹ Ibid.

¹⁰ Rachel Oswald. "Senate Eyes Passage of Bill to Check China in Asia-Pacific." Roll Call, 2 Oct. 2018, www.rollcall.com/2018/10/02/senate-eyes-passage-of-bill-to-check-china-in-asia-pacific/.

¹¹ Public Law No: 115-409

South Korea and Japan have a long history of thorny issues and the United States has remained rather neutral on those issues. Without cooperation from South Korea and Japan in a unified direction steered by the U.S, the U.S. will face difficult challenges in exercising its influence in the East Asia region. The underlying issues between South Korea and Japan are largely on two fronts, the issue of “Comfort Women,” and the territorial dispute surrounding the Liancourt Rocks. This paper will examine the aforementioned underlying issues and argue that while the United States could continue to remain silent on the matters between South Korea and Japan, it should be in the interest of the United States to intervene and mitigate vigorously to maximize its influence in the East Asia region.

First, the paper will discuss the U.S.-deployed missile defense system in South Korea and its effect on the South Korea-China relationship. The U.S.-deployed missile defense system is a great example to reveal the complicated situation surrounding the importance of the Korean peninsula geopolitically to the United States. The United States has stationed troops in South Korea since the Korean War and the sophisticated technology of the missile defense system has reached an unparalleled level, far strong enough to deter any rogue nations to deploy missiles targeted at the U.S. troops stationed in South Korea or any corner of the South Korean soil. Albeit the defense system nonetheless provides a layer of security to South Korea and nearby allies, the system also placed the government of South Korea in a burdensome situation with China. China demanded the government of South Korea to not allow the U.S. to deploy the missile defense system mainly due to a concern over the usage of the radar accompanying the system, claiming that the justification of protecting U.S. allies is a cover-up and the real

reason behind is to surveillance and deter China. While discussing the U.S.-deployed missile defense system in South Korea, the paper will also examine the Japan-U.S. Defense Cooperation treaty. The United States should ensure that the treaty explicitly does not allow the Japanese troops on South Korean soil in the event of a war on the Korean peninsula. The notion of the Japanese troops present in South Korea, regardless of the reason, would be a disturbing scene given the Japanese annexation of the Korean peninsula in 1910. South Koreans to this day demand justice from Japan on what they claim as wrongdoings during Japanese colonialization. In October 2018, the Supreme Court of South Korea ordered the Nippon Steel Corporation of Japan and Mitsubishi Heavy Industries of Japan to compensate South Korean workers who were forced to work in its factories during the colonialization. The government of Japan retaliated by implementing tightening regulations on trade by removing South Korea from its trade whitelist, which fueled the government of South Korea to reconsider extending the General Security of Military Information Agreement.¹² The scar from Japanese colonialization is still living amongst South Koreans, which directs this paper to the next topic.

Second, this paper will discuss the issue of “Comfort Women” and convey that the U.S. should not remain silent on the issue for the interest of the U.S.’s influence in the East Asia region. Despite several agreements reached by both the South Korean and Japanese government, the issue of “Comfort Women” remains unresolved. The

¹² Kathryn Botto. “Overcoming Obstacles to Trilateral U.S.-ROK-Japan Interoperability- Korea Net Assessment 2020: Politicized Security and Unchanging Strategic Realities.” Carnegie Endowment for International Peace, 18 Mar. 2020, carnegieendowment.org/2020/03/18/overcoming-obstacles-to-trilateral-u.s.-rok-japan-interoperability-pub-81236.

government of South Korea's demand for sincere apology whereas the government of Japan claims that Japan has done everything demanded by the South Korean government. The difference in the perception of what is considered as a sincere apology exacerbated the issue of "Comfort Women" into a nearly three-decade-long unresolved issue.

Lastly, this paper will discuss the territorial dispute surrounding the Liancourt Rocks and also convey that the U.S. should mitigate this matter by persuading both nations to submit the case to the International Court of Justice (ICJ) to put an end to the dispute. Similar to the issue of "Comfort Women," the territorial dispute surrounding the Liancourt Rocks is rooted in the Japanese colonialization. The government of South Korea claims the sovereignty of the Liancourt Rocks based on its historical documents dating pre-Japanese colonialization, whereas the government of Japan claims the sovereignty based on the San Francisco Peace Treaty of 1951. The territorial dispute could be resolved by the ICJ if both governments would agree to have the court hear the case. Unlike Japan, which advocates for the ICJ hearing, South Korea is hesitant to submit the case to the ICJ since the submission itself could be portrayed as doubting its sovereignty of the Liancourt Rocks.

The United States must find a way to achieve a cohesive relationship between South Korea and Japan in order to exert influence and respond rapidly to changes in East Asia. Although the thorny issues from the past should be dealt with independently when discussing achievements of economic prosperity and military stability, the reality is that these thorny issues will arise to surface over and over, limiting the advancement of U.S.-led foreign policy agendas in the region.

Chapter 1 – Significance of missile defense system and Japan-U.S. Defense Cooperation

The United States gained its upper hand of being the world's superpower following the fall of the Soviets and since then, carries on arduous missions to secure peace in the world. Henry Luce observes in "The American Century" that, "(A)merica cannot be responsible for the good behavior of the entire world. But America is responsible, to herself as well as to history, for the world environment in which she lives."¹³ America has for decades expanded its "empire" by inviting nations to join the superpower and promised assurances from enemies. In order to fulfill the mission to protect allies from perceivable threats of rogue nations, U.S. armed forces reached the level of unparalleled strength and technological advances, including the exceptional sophistication of Missile Defense intensified under President Reagan.

On March 23, 1983, President Reagan announced the Strategic Defense Initiative (SDI) program in a television address broadcast nationally,

What if free people could live secure in the knowledge that their security did not rest upon the threat of instant U.S. retaliation to deter a Soviet attack, that we could intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies?...I call upon the scientific community in our country, those who gave us nuclear weapons, to turn their great talents now to the cause of mankind and world peace, to give us the means of rendering these nuclear weapons impotent and obsolete.¹⁴

The SDI served several interests for President Reagan. The successful development of the SDI would pose President Reagan as "a man of vision who would

¹³ Henry Robinson Luce, *The American Century* (New York, NY: Time, Inc., 1941). p. 166.

¹⁴ "Strategic Defense Initiative (SDI)," Atomic Heritage Foundation, July 18, 2018, <https://www.atomicheritage.org/history/strategic-defense-initiative-sdi>.

end the threat of missile attacks and ensure that the populations of the United States, the Soviet Union, and indeed, the world would survive.”¹⁵ The natural borders protecting America from enemies, the Pacific, and the Atlantic Ocean, also means that enemies would have to deploy missiles with a greater range capability to target the American homeland, such as Intercontinental Ballistic Missile (ICBM). Soviets at the time focused its resources on developing ICBMs that, “if it [SDI] worked, Americans would gain the upper hand on the Soviets, whose superpower status was based in large measure on their arsenal of ICBM. The proposed missile shield threatened the value of this Soviet investment and Moscow’s claims to equality with the United States.”¹⁶ The SDI would not only protect the homeland but also deter Soviet from proliferating arsenals since no missiles will ever reach America.

Despite the great advantages of the SDI, critics of the SDI pointed that a defensive system sophisticated as the SDI would be enormously expensive, and “would accelerate the arms race – it would have to work perfectly the first time it was needed, and it would tempt a Soviet first strike if the Soviets felt they were on the verge of becoming “nuclear hostages” to the unassailable United States.”¹⁷ The deterrence strategy of SDI, to nullify the first attack which makes America unassailable, could trigger the Soviets to “attack anyways” and carry the weight of inevitable war. Critics were wrong about the first attack by Soviets, yet correct that the SDI was in fact enormously expensive and triggered an arms race as the history reveals.

¹⁵ Steven W. Hook and John W. Spanier, *American Foreign Policy since World War II*, 18th ed. (Los Angeles, CA: SAG/CQ Press, 2019). p. 138.

¹⁶ Ibid., p. 139.

¹⁷ Ibid.

President Reagan's vision for SDI has created The Strategic Defense Initiative Organization in 1984, which is now called The Missile Defense Agency (MDA) delivering mission to "develop and deploy a layered ballistic missile defense system to defend the United States, its deployed forces, allies, and friends from ballistic missile attacks of all ranges in all phases of flight".¹⁸ The missile defense mechanism is to demonstrate nations' maturity of sophistication in technology, stable and robust economy able to fund related researches and productions, and to promise safeguards of allies. Intercepting a missile – moving at a speed of hundreds of miles per hour, from thousands of miles in the air requires topnotch technology and unlimited funding sources to repeatedly test products, and America has proved over the years its exceptional leading position in the field of missile defense with the newest system called Terminal High Altitude Area Defense (THAAD). In layman's term, the THAAD system is, "...just basically a solid warhead. They [MDA] call it a kinetic warhead, or a kinetic munition. So rather than exploding it simply strikes its target."¹⁹

The Persian Gulf War in 1991 sparked the importance of enhancing the missile defense system. A Scud missile launched by the Iraqi killed 27 and wounded 98 American soldiers and the Patriot Advanced Capability (PAC) -2 was the Ballistic Missile Defense (BMD) system utilized at the time of the Persian Gulf War.²⁰ However,

¹⁸ "MISSILE DEFENSE: The First Seventy Years." Missile Defense Agency. <https://www.mda.mil/global/documents/pdf/first70.pdf>

¹⁹ "How Good Is the New Missile Defense System the US Just Deployed in South Korea?," The World from PRX, accessed March 11, 2020, <https://www.pri.org/stories/2017-05-03/how-good-new-missile-defense-system-us-just-deployed-south-korea>.

²⁰ R. W. Apple, "WAR IN THE GULF: Scud Attack; Scud Missile Hits a U.S. Barracks, Killing 27," The New York Times (The New York Times, February 26, 1991), <https://www.nytimes.com/1991/02/26/world/war-in-the-gulf-scud-attack-scud-missile-hits-a-us-barracks-killing-27.html>.

the nine percent success rate of PAC-2's intercepting and destroying Scud missiles urged Congress to demand the Department of Defense to build a more effective BMD system.²¹

The THAAD is an American ballistic missile defense system that enhances the mission of the MDA given its "unique endo & exo capability [that] adds an essential layer of defense against current and emerging missile threats. THAAD complements existing ballistic-missile defenses by closing the battlespace gap between endo-only PAC-3 and exo-only Aegis Ballistic Missile Defense (ABMD)."²² The endo refers to mostly short-ranged missiles that stay within the earth atmosphere during its trajectory whereas exo refers to mostly long-ranged missiles that leave the earth atmosphere, principally denoting THAAD's capability to intercept short and long ranged missiles. Nations utilizing the missile defense system cannot rely solely on a single system. The layered component of the missile defense system enhances options when it comes to intercepting a missile, and the THAAD fills in the gap where the PAC-3 and the Aegis BMD may not reach.

The U.S. repeatedly proposed to install THAAD in South Korea to ensure maximum safety against any unforeseeable acts by North Korea. The first mentioning of THAAD dates to 2008 during a nomination hearing of United States Force Korea (USFK) Commander General Walter Sharp. General Sharp stated that THAAD would provide "provide the layered, systematic missile defense capability required to protect critical United States facilities in the Republic of Korea"²³ In 2011, General James

²¹ Park, Hwee Rhak. "The Ballistic Missile Defense Construction Strategies of South Korea and Japan: Self-Reliance versus Cooperation with the US." p. 89

²² Harry J. Kazianis Dan Sauter, "THAAD: America's Super Shield against Ballistic Missiles?," The National Interest (The Center for the National Interest, March 6, 2017), <https://nationalinterest.org/feature/thaad-americas-super-shield-against-ballistic-missiles-11701>.

²³ Nominations before the Senate Armed Services Committee. (2008, May 22). *Second session, 110th congress*. Retrieved from U.S. Government Publishing Office

Thurman stated similar opinion on THAAD during his hearing of USFK Commander, stating,

the system that would best support the layered defense employment principle is a THAAD system which can engage inbound TBMs at either the terminal or mid-course phase of flight. A THAAD system could be used to provide layered defense and also improve early warning for the Korean Peninsula as well as enhance Ballistic Missile Defense (BMD) early warning in the region.²⁴

Despite South Korea having its own ballistic missile defense system, called the Korea Air and Missile Defense (KAMD), the USFK commanders insisted on installing THAAD in South Korea to protect critical U.S. facilities by enhancing KAMD's capability.²⁵

North Korea's successful test of the Unha-3 from the Sohae facility in December 2012, putting a satellite in orbit shifted the pendulum of installing THAAD from a "nice-to-have" to deterrence against a possible nuclear threat. The implication of North Korea's technological capability to launch its satellite in orbit from its launching station poses a great threat to the security of U.S. and allies, including South Korea and Japan since, "(w)hile North Korea referred to its rocket as a space launch vehicle, the technology was very similar to that of a long-range missile. With minor changes to allow for re-entry, Pyongyang could deliver a WMD payload."²⁶ USA Today reports that, "Nuclear experts in China have revealed that North Korea may already have 20 nuclear

²⁴ Jaganath Sankaran and Bryan L. Fearey, "Missile Defense and Strategic Stability: Terminal High Altitude Area Defense (THAAD) in South Korea," *Contemporary Security Policy* 38, no. 3 (June 2017): pp. 321-344, <https://doi.org/10.1080/13523260.2017.1280744>. p. 325

²⁵ Ibid.

²⁶ "MISSILE DEFENSE: The First Seventy Years." Missile Defense Agency. <https://www.mda.mil/global/documents/pdf/first70.pdf>

warheads and could double that arsenal by next year... the total exceeds current U.S. assessments of the secretive state's nuclear weapons.”²⁷

The 2019 Missile Defense Review was published in February 2019 following President Trump ordering the Department of Defense in May 2017 that, “The Secretary shall initiate a new Ballistic Missile Defense Review to identify ways of strengthening missile defense capabilities, rebalancing homeland and theater defense priorities, and highlighting priority funding areas.”²⁸ The review, “describes the policies, strategies, and capabilities that will guide the Department of Defense (DoD) missile defense programs to counter the expanding missile threats posed by rogue states and revisionist powers to us, our allies, and partners, including ballistic and cruise missiles, and hypersonic vehicles.”²⁹ The report further discusses North Korea’s capability to launch an attack,

(w)hile a possible new avenue to peace now exists with North Korea, it continues to pose an extraordinary threat and the United States must remain vigilant. In the past, North Korea frequently issued explicit nuclear missile threats against the United States and allies, all the while working aggressively to field the capability to strike the U.S. homeland with nucleararmed ballistic missiles. Over the past decade, it has invested considerable resources in its nuclear and ballistic missile programs, and undertaken extensive nuclear and missile testing in order to realize the capability to threaten the U.S. homeland with missile attack. As a result, North Korea has neared the time when it could credibly do so.³⁰

Security measures of any nations should examine the worst pragmatic scenario and prepare its priorities based on what could happen, and although the likelihood of North

²⁷ Calum MacLeod, “North Korea Expands Nuclear Arsenal, Chinese Experts Say,” USA Today (Gannett Satellite Information Network, April 23, 2015), <https://www.usatoday.com/story/news/2015/04/23/north-korea-nuclear-weapons-increased-estimate/26226981/>.

²⁸ “Presidential Memorandum on Rebuilding the U.S. Armed Forces,” The White House (The United States Government), accessed June 11, 2019, <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-rebuilding-u-s-armed-forces/>.

²⁹ 2019 Missile Defense Review, https://www.defense.gov/Portals/1/Interactive/2018/11-2019-Missile-Defense-Review/The%202019%20MDR_Executive%20Summary.pdf

³⁰ Ibid.

Korea carrying out a nuclear attack on South Korea is minimal, the unclassified materials that are available to the public are sufficient to acknowledge that North Korea possesses actual threat, and its trembling leadership and unclear diplomatic channels make it difficult for the world to calculate the possibility of the worst-case scenario. As the 2019 Missile Defense Review suggests, although there has been a momentum of peace between North Korea and the United States, vigilant security measures should remain until peace is reached.

Nonetheless, different opinions existed in South Korea mainly between the department of defense and the ministry of foreign affairs. The department of defense urged the administration to finalize the deal to deploy THAAD to enhance the defense mechanism, whereas the ministry of foreign affairs worried about potential drawbacks in the diplomatic relationship with China. The South Korea administration remained silent on the matter, acknowledged the importance of both departments yet maintained its strategic ambiguity. The Diplomat reported on this issue that,

(f)rom China’s perspective, THAAD represents a considerable threat to Chinese ballistic missiles which would theoretically come into play in a nuclear weapon use scenario. From a Chinese perspective, a U.S.-allied state operating a highly advanced anti-ballistic missile system, even if not directed explicitly at China, is an unacceptable security risk”³¹

In order for the Missile Defense Agency to detect incoming missile threats and launch counter, it requires extensive and exquisite radars in geographically salient locations that could increase the capability of the Ballistic Missile Defense mechanism to intercept incoming missiles at various phases. Deploying THAAD in South Korea means that it requires a U.S. X-Band radar to accompany the THAAD system, which would have the

³¹ Ankit Panda, “South Korea, China Trade Barbs Over THAAD,” – The Diplomat (for The Diplomat, March 18, 2015), <https://thediplomat.com/2015/03/south-korea-china-trade-barbs-over-thaad/>.

scanning radius far enough to cover North Korea that would scan parts of China as well, allowing the U.S. the ability to detect and intercept Chinese missiles.³²

The missile defense experts, however, expressed univocal opinions on China's claim that the THAAD will have no business in China unless China launches a missile towards South Korea. Bruce Klingner, a Senior Fellow for Northeast Asia at the Heritage Foundation and former CIA Deputy Division Chief for Korean analysis, argued, "the THAAD interceptors are designed to attack missiles heading toward the interceptors in the terminal inbound phase, not missiles flying away in the boost and mid-range phases of an outbound ICBM."³³ Given the limited angle of the X-Band radar's capability, the THAAD can only be launched based on the information transferred from radars, which lacks the scanning ability of missiles not coming towards the initial launching site of THAAD. China should not worry about the U.S. intercepting its missiles unless it is heading towards South Korea, which means that the missile could be aimed at Japan or other nations to the southeast. Angelo Codevilla, a former top Senate Intelligence Committee official and professor emeritus of International Relations at Boston University also argued that given the geographical size of China, intercepting a Chinese ballistic missile would require space-based systems that could detect on the very instance of its launch, however, given the current treaty banning such development of the system, China should not worry about the THAAD accompanied radar surveilling their territory.³⁴

³² Amanda Macias, "Here's How The World's Most Advanced Missile Defense System Works," Business Insider, January 17, 2015, <https://www.businessinsider.in/Heres-How-The-Worlds-Most-Advanced-Missile-Defense-System-Works/articleshow/45927211.cms>.

³³ Bruce Klingner, "Why South Korea Needs THAAD Missile Defense." The International Relations and Security Network, April 21, 2015, <https://isdp.eu/content/uploads/publications/2015-klingsner-why-south-korea-needs-thaad-missile-defense.pdf>

³⁴ Doug Tsuruoka, "Q&A With Angelo Codevilla: US Can Shoot down North Korea's Missiles - but China Remains Elephant in Room." Asia Times, 17 Feb. 2020, [asiatimes.com/2017/04/qa-us-can-shoot-north-koreas-missiles-china-remains-elephant-room/](https://www.asiatimes.com/2017/04/qa-us-can-shoot-north-koreas-missiles-china-remains-elephant-room/).

The U.S. will have much to gain whether South Korea decides to deploy THAAD or not. If deployed, the U.S. could deter China's military strength by effectively closing its capability to launch missiles to the southeast of China and completely terminating North Korea's ability to launch any missiles at South Korea. If South Korea rejects, then the U.S. could condemn the administration diplomatically for exposing the nation to an obvious risk of a nuclear threat despite the U.S.'s dedication to protecting South Korea from North Korea. An op-ed piece from Global Times China interestingly noted the "choosing side" scenario that,

(t)he US is not happy to see China and South Korea enjoying improvised political and security relations in recent years, but it have no justified reason to voice opposition and even have to mouth some ostensible support. However, as Washington always seeks to deter North Korea with the US-South Korea alliance and counter China, better China-South Korea ties will undermine the cornerstone of the US rebalancing strategy and it has to take some countermeasures. The deployment of the THAAD system is a smart tactic that can kill more than two birds with just one stone if Seoul eventually agrees.³⁵

Albeit the op-ed piece resonates bias cynical nuance, the author revealed complicated political ties between the U.S., Japan, and South Korea and whether the U.S. can tailor its foreign policy prudently in the region to prevent exacerbation of diplomatic ties.

On July 7, 2016, the U.S. Department of Defense released a report stating that, "the ROK and the United States made an alliance decision to deploy THAAD to USFK as a defensive measure to ensure the security of the ROK and its people, and to protect alliance military forces from North Korea's weapons of mass destruction and ballistic

³⁵ Li Kaisheng, "US Uses THAAD to Worsen Peninsula Rifts," Global Times (Global Times, April 13, 2015), <http://www.globaltimes.cn/content/916660.shtml>.

missile threats.”³⁶ Considering the contentious nature of the THAAD, the report continues, stating,

(w)hen the THAAD system is deployed to the Korean Peninsula, it will be focused solely on North Korean nuclear and missile threats and would not be directed towards any third-party nations. The THAAD deployment will contribute to a layered missile defense that will enhance the alliance’s existing missile defense capabilities against North Korean missile threats.³⁷

The report’s emphasis on THAAD’s main purpose to defend the allies of the U.S. bespeaks underlining political tensions surrounding the missile defense system.

Shortly after the decision was announced, China demarched the U.S. and South Korean ambassadors to China to express its disapproval.³⁸ China quickly responded to South Korea’s deployment decision in the form of economic retaliation. South Korean goods and services including tourism, entertainment, and consumer products were restricted and the reported loss in 2017 exceeded \$7.5 billion.³⁹ The China National Tourism Administration issued travel warnings to discourage trips to South Korea and provided instructions to travel agencies to cancel all tours or to face fines or license revocation.⁴⁰ The Korean media contents stopped receiving approvals to release in China, visa applications were denied for actors and singers scheduled to perform, and Korean video game companies were unable to release new games.⁴¹ Professor Han from Yonsei University well summarized economic retaliation that,

(t)he Lotte Corporation, a conglomerate with significant retail operations, became a symbolic target of Chinese economic retaliation. The Chinese decided to

³⁶ “Republic of Korea and United States Make Alliance Decision to Deploy THAAD to Korea” U.S. Department of Defense. Release No. NR-254-16. July 7, 2016.

³⁷ Ibid.

³⁸ U.S.-China Economic and Security Review Commission. Staff Research Report. July 26, 2017.

³⁹ Sukhee Han. 2019. “Resetting the South Korea--China Relationship: The THAAD Controversies and Their Aftermath.” *Korean Journal of Defense Analysis* 31 (4): p. 547.

⁴⁰ Darren J. Lim, “TheAsanForum.” Chinese Economic Coercion during the THAAD Dispute | The Asan Forum, 28 Dec. 2019, www.theasanforum.org/chinese-economic-coercion-during-the-thaad-dispute/.

⁴¹ Ibid.

retaliate against Lotte in particular because the Lotte group allowed one of its golf courses to become a host location for THAAD, in exchange for military-owned land. The Chinese authorities launched a punitive investigation of Lotte retail operations in various Chinese urban centers, including Shanghai, Beijing, Shenyang, and Chengdu. By May 2017, Lotte Mart reported that 74 out of its 99 stores had been forced to shut down following “fire inspections,” while 13 had closed temporarily in the face of anti-Korea protests.⁴²

In addition to store closures, the Chinese government banned the construction of multi complexes throughout major Chinese cities and the restriction on tourism led to a decrease of Chinese visitors to an amusement park in Seoul owned by Lotte.⁴³

The Korea Institute for Industrial Economics & Trade (KIET), the Beijing Office of the Korean Chamber of Commerce & Industry (KCCI) and the China Chamber of Commerce in Korea surveyed Korean companies in China in the third quarter of 2017 asking a question, “Do you feel the negative impact of worsening Sino-ROK relations?” 83.4% of survey respondents answered that they felt the negative impact of worsening Sino-ROK relations.⁴⁴ The U.S.-China Economic and Security Review Commission noted the South Korea’s trade dependence on China, placing South Korea in a vulnerable position to economic retaliation, stating that, “(i)n 2016, South Korean exports to China reached \$124 billion, nearly twice as much as exports to the United States, South Korea’s second-biggest export market.”⁴⁵ South Korea’s export-dependent economic nature suffered egregiously from China’s economic retaliation, and the ordinary South Korean citizens who lost jobs and wages are undoubtedly the biggest victim.

⁴² Sukhee Han. 2019. “Resetting the South Korea--China Relationship: The THAAD Controversies and Their Aftermath.” *Korean Journal of Defense Analysis* 31 (4): p. 547.

⁴³ Yang, Florence (Wen-Ting). 2019. "Asymmetrical Interdependence and Sanction: China's Economic Retaliation Over South Korea's THAAD Deployment." *Issues and Studies* 55 (4) (12): p.15.

⁴⁴ Ibid. p. 17.

⁴⁵ U.S.-China Economic and Security Review Commission. Staff Research Report. July 26, 2017. p. 8.

The decision to deploy the THAAD in Seongju county, located approximately 135 miles to the south of Seoul prompted heavy setback from the citizens of Seongju. Seongju is located in the middle of South Korea, providing protection for southern cities such as Busan, Ulsan, and Pohang – cities with ports, nuclear plants, and oil facilities where the U.S. Armed Forces would enter South Korea in the event of an attack.⁴⁶ The Seongju citizens protested against the deployment of THAAD on a former golf course in the Soseong-ri, a town in the Seongju county, citing their concern over the increased U.S. military activity in the area and possible environmental pollution from the radiation emitted by the X-band radar. Reuters reported, “around 8000 South Korean police gathered in the village of Soseong-ri, along the only road that leads up to the golf course, to break up a blockade of around 300 villagers and civic groups opposed to THAAD.”⁴⁷ The government of Korea to deploy 8000 police officers to secure the THAAD site from protesters is a great example of a contentious matter surrounding the THAAD deployment in South Korea.

The location being Seongju raises concern over whether the THAAD could truly defend South Korea from North Korean missiles. The Asia-Pacific Journal cited a Massachusetts Institute of Technology weapons physicist that, “the system [THAAD] will not work to defend South Korea from North Korea. Not only is the capital city of Seoul, located just thirty miles from the North Korean border, excluded from THAAD’s

⁴⁶ “THAAD on the Korean Peninsula.” Institute for Security and Development Policy, Institute for Security and Development Policy, 9 Oct. 2017, isdp.eu/publication/korea-thaad/.

⁴⁷ Christine Kim, “South Korea Deploys U.S. Anti-Missile Launchers amid Clashes with Protesters,” Reuters (Thomson Reuters, September 7, 2017), <https://www.reuters.com/article/us-northkorea-missiles-southkorea-thaad/south-korea-deploys-u-s-anti-missile-launchers-amid-clashes-with-protesters-idUSKCN1BI03H>.

defense area, but North Korea could also easily trick interceptors by using decoys.”⁴⁸

Considering the proximity of Seoul to North Korea, the purpose of the THAAD system is to deter North Korea from striking first and to defend U.S.’s strategic military locations in the southern parts of South Korea in an event of a missile attack.

While the government of South Korea was placed in the middle of China and the U.S.’s tug of war, the United States strengthened its military alliance with Japan which could transpire anti-Americanism in South Korea if not tailored carefully.

Japan’s Prime Minister Shinzo Abe remarked on diplomatic issues during the speech in English to Congress where both Senate and Congress members were present in April 2015. He stated his apologies on behalf of former Japanese leaders for his nation’s World War II abuse and expressed his eternal condolences for American lives lost during the war,⁴⁹ further proposing that Tokyo is “resolved to take yet more responsibility for the peace and stability in the world.”⁵⁰ Abe and his administrations’ tenacious ambition to strengthen Japan’s military power, considered chimerical given the constitutional constraints as expressed in Article 9,

Aspiring sincerely to an international peace based on order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. In order to accomplish the aim of the preceding paragraph, land, sea and air forces, as well as other war potential,

⁴⁸ Bridget Martin, “Moon Jae-In’s THAAD Conundrum: South Korea’s ‘Candlelight President’ Faces Strong Citizen Opposition on Missile Defense.” *The Asia-Pacific Journal: Japan Focus*, 15 Sept. 2017, apjjf.org/2017/18/Martin.html.

⁴⁹ Oren Dorell, “Japanese Prime Minister Stands by Apologies for Japan’s WWII Abuses,” *USA Today* (Gannett Satellite Information Network, April 29, 2015), <https://www.usatoday.com/story/news/world/2015/04/29/japan-shinzo-abe-joint-session-of-congress-speech/26566135/>.

⁵⁰ David Nakamura, “In Speech to Congress, Abe Lays out More Assertive Role for Japan,” *The Washington Post* (WP Company, April 29, 2015), https://www.washingtonpost.com/politics/in-speech-to-congress-abe-lays-out-more-assertive-role-for-japan/2015/04/29/a4387bae-ee79-11e4-a55f-38924fca94f9_story.html.

will never be maintained. The right of belligerency of the state will not be recognized,”⁵¹

has finally seen the light under the justification to be responsible for peace and stability in the world, a distinctive task carried on by the U.S. for decades.

One day prior to delivering the speech, U.S. and Japan drafted new guidelines for Japan-U.S. Defense Cooperation that will supplement the 1960 Treaty of Mutual Cooperation and Security between Japan and the United States of America. The guidelines aim to “ensure Japan’s peace and security under any circumstances, from peacetime to contingencies, and to promote a stable, peaceful, and prosperous Asia-Pacific region and beyond, bilateral security and defense cooperation will emphasize...”⁵² As stated, the guidelines implicate on matters beyond Japan’s domestic boundaries, that Japan and the U.S. will cooperatively promote security beyond the Asia-Pacific region.

There are three important sections of guidelines that allude to the possible offensive capability of Japan’s Self Defense Force (SDF), the Actions in Response to an Armed Attack against Japan, Operations to Counter Ground Attacks, and Actions in Response to an Armed Attack against a Country other than Japan.

The Actions in Response to an Armed Attack against Japan summarizes that Japan and U.S. will seek diplomatic and necessary channels to prevent the attack, but if occurs, U.S. will “employ forward-deployed forces, including those stationed in Japan,

⁵¹ Article 9 of The Constitution of Japan

⁵² "The Guidelines for Japan-U.S. Defense Cooperation. April 27, 2015." Embassy of Japan in the United States of America.

and introduce reinforcements from elsewhere, as required”⁵³ and Japan will focus on defending its citizen and territory,

The Operations to Counter Ground Attacks is interesting to note, stating, The Self-Defense Forces and the United States Armed Forces will conduct bilateral operations to counter ground attacks against Japan by ground, air, maritime, or amphibious forces. The Self-Defense Forces will have primary responsibility for conducting operations to prevent and repel ground attacks, including those against islands. If the need arises, the Self-Defense Forces will conduct operations to retake an island.⁵⁴

The SDF did not have the authority to prevent and repel ground attacks including those against islands in the 1960’s draft. This statement was added possibly based on the request from Japan to counter China’s force around the Senkaku Islands, where China and Japan are claiming for its territorial ownership. Hypothetically, if conflicts between China and Japan were to erupt over the islands, Japan will defend to retake the islands and U.S. Armed Forces will back-up Japan. In essence, the new security guidelines serve as a threat to China’s attempt to claim the Senkaku Islands, implied in the Operations to Counter Ground Attacks section of the treaty.

The Operations to Counter Ground Attacks states, “the Self-Defense Forces will have primary responsibility for conducting operations to prevent and repel ground attacks including those against islands. If the need arises, the Self-Defense Force will conduct operations to retake an island.”⁵⁵ The phrase “retake an island” is used only once in the treaty in this section, which again prepares against China’s activity surrounding the Senkaku Islands considering a possible threat against the main islands of Japan is hard to imagine.

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Ibid.

The Actions in Response to an Armed Attack against a Country other than Japan addresses, "...to respond to an armed attack against the United States or a third country, and Japan has not come under armed attack, they will cooperate closely to respond to the armed attack and to deter further attacks."⁵⁶ The implication of this guideline remains contentious given the lack of clarity of how far could Japan go with the SDF under the umbrella of "cooperating with the U.S." since "(t)he Alliance will respond to situations that will have an important influence on Japan's peace and security. Such situations cannot be defined geographically."⁵⁷ Mike Mochizuki, the Associate Dean of Academic Affairs at George Washington University's Elliott School in International Affairs has commented on this matter stating,

Permitting the exercise of the right of collective self-defense, however, could theoretically allow Japan to be fully integrated with the U.S. military regarding the use of force—even in scenarios and geographic areas that do not directly threaten the Japanese homeland and nationals, as long as they pose clear threats to the United States (such as Afghanistan in the wake of the 9/11 terrorist attacks).⁵⁸

The new guidelines relieve burdens off of the U.S.'s war against terrorists and other global "crusade" missions that in the absence of NATO, UN, or other nations reluctant to help, the U.S. could count on Japan's cooperation to carry on global tasks. Although the military budgets are only one of the scales to assess nation's military power, the trend of U.S. military budget decrease in past years since 2010⁵⁹ could have stimulated the new Defense Cooperation treaty as a way to penetrate the needs for both nations – the U.S. to share the burden and Japan to counter threats against China with its force, since "(a)t a

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Mochizuki, Mike M., and Samuel Parkinson Porter. "Japan under Abe: Toward Moderation or Nationalism?" *The Washington Quarterly*. 32.

⁵⁹ Walker, Dinah. "Trends in U.S. Military Spending." Council on Foreign Relations. Council on Foreign Relations.

time when Japan's security role and horizons are broadening, when the region is undergoing a profound power shift, and when the future of the Korean peninsula is more uncertain than ever, the task of reconciliation has become more urgent—not only for moral and educational reasons but also for strategic ones.”⁶⁰ Japan's relationship with Southeast Asian nations, particularly regarding policies on maritime security measures since 2012 indicates a common security objective, which is to guard and prepare against China's military influence in the region,⁶¹ and the Japan-U.S. guidelines pursued by the Japanese administration adequately mitigated pressure off of Japan. Japan's leading role to achieve newly drafted guidelines operates Japan as the beacon in the region, establishing a firm alliance between Japan and Southeast Asian nations that might not have established a trustworthy relationship with the U.S. yet.

Perhaps the notion of China becoming the next superpower following the fall of the Soviets in the 20th century was chimerical, nonetheless, it is undeniable in our time that China has become indeed one of the world's superpowers and is threatening U.S.'s position and influence in Asia. The word Asia, as Henry Kissinger mentions in his book *World Order*, did not exist until the arrival of Western powers that, “(u)ntil the arrival of modern Western powers, no Asian language had a word of for ‘Asia’; none of the peoples of what are now Asia's nearly fifty sovereign states conceived of themselves as inhabiting a single ‘continent’ or region requiring solidarity with all the others.”⁶² Westerners ascribed the term Asia and in sense “unified,” amassing nearly 50 sovereign states into one identity. China was the ruling authority per se of Asia for centuries given

⁶⁰ Mochizuki, Mike M., and Samuel Parkinson Porter. "Japan under Abe: Toward Moderation or Nationalism?" *The Washington Quarterly*. p. 39

⁶¹ "2014 Report to Congress of the U.S.-China Economic and Security Review Commission." p. 422.

⁶² Henry Kissinger, *World Order* (New York, NY: Penguin Books, 2015). p. 172.

its massive territorial influence derived from its population, which equates to the strong military power. Most nations around China had to get approval from the Emperor of China on many political issues including domestic affairs and kings of those nations had to be formally acknowledged by the emperor and pay an annual tax to thank for the blessing of the emperor. The letter from Emperor of China to King of Britain in the late 18th century bespeaks China's impervious position that,

Swaying the wide world, I have but one aim in view, namely, to maintain a perfect governance and to fulfill [sic] the duties of the State; strange and costly objects do not interest me. If I have commanded that the tribute offerings sent by you, O King, are to be accepted, this was solely in consideration for the spirit which prompted you to dispatch them from afar...As your Ambassador can see for himself, we possess all things.⁶³

Despite Britain's powerful navy and its eminence around the world as a strong nation at the time, the emperor of China explicitly infers that he accepts the gift because he is pleased that the King of Britain took efforts to send something to as far as China, where the emperor has everything. Rather discourteous, yet full of autonomy and sovereignty are embedded in the letter.

Myriad studies and researches are conducted in the past several decades about the rise of China, and the interconnected reality of the world generally in the segment of finance, economy, and politics recognizes that China is, strong. The U.S.-China Economic and Security Review Commission report states, "The market dependencies of many East Asian countries on China – the result of China's deep integration into regional manufacturing supply chains – afford Beijing greater leverage in pursuing regional security interests."⁶⁴ The economic growth catalyzed by investments from profit-driven

⁶³ Ibid., p. 217.

⁶⁴ "2014 Report to Congress of the U.S.-China Economic and Security Review Commission." p. 415.

multinational corporations coupled with rigid regulations toward a specific set of directions implemented by the Chinese government, of many other factors as well, allowed China to become not only a rising superpower but also granted China with enormous influence to its trading nations. Xi Jinping stated at the Conference on Interaction and Confidence Building Measures in Asia that, “we need to rely on the people in Asia to run Asia’s affairs, deal with Asia’s problems, and uphold Asia’s security. The people in Asia have the capability and wisdom to achieve peace and stability in Asia through enhanced cooperation.”⁶⁵ Although he didn’t mention the U.S. explicitly, the U.S. is the obvious “guardian” of the world, including the Asian Pacific region. The former Prime Minister of Australia Kevin Rudd expressed his concern for uncertainty if China does seek to address Asia’s affairs that,

the truth is that overwhelming U.S. military power combined with continued significant U.S. economic power lies very much at the fulcrum of the stability of the post-war order. And if China begins to replace the American fulcrum, the legitimate questions from us all is what sort of alternative regional and global order would China seek to construct in its place.⁶⁶

If China replaces the U.S. in the region, could China carry out the mission as the U.S. did? Unless the U.S. willingly “surrenders” its influence in the Asia Pacific region, Prime Minister Rudd’s concern will not occur.

The Chinese administration strategically calculates each step to maintain a good relationship with the U.S. and pressures U.S. allies at the same time that,

In the absence of an effective American response, China may yet be able to successfully pursue a divide and conquer strategy: intimidating some of its neighbors into acquiescence while isolating and demoralizing others... reaching out to Washington and proclaiming its desire to form a ‘new type great power

⁶⁵ Ibid., p. 416.

⁶⁶ Ibid.

relationship' with the United States, while at the same time ratcheting up pressure on key targets, especially U.S allies.⁶⁷

Chinese government's high level of autonomy coupled with the giant economy could overwhelm nearby nations as President Obama expressed in his interview, to eventually seek to drive wedges between those nations and the U.S.⁶⁸ Absences of war in past several decades, not counting U.S.-led war against terrorism, has perhaps lulled nations under the protection of America in the security measures, focusing a great degree of national interests in the economy, which has arguably led to the rise of China.

The justification for deploying the THAAD was to protect U.S. allies from the perceivable threats from North Korea, however, the deployment of the missile defense system itself has placed South Korea under scrutiny in a difficult position between China and the United States and the ordinary citizens of South Korea had to pay the price. A chicken skewer seller in one of the popular tourist spots in South Korea said in an interview that, "I don't know why we have to be the ones that suffer because of politics...I watch the news more closely now, especially about THAAD. In the end, my livelihood depends on it."⁶⁹ The economic retaliation over the decision to deploy the THAAD system should not be taken lightly by the U.S. foreign policymakers since,

China's willingness to use economic coercion as a tool to compel South Korea to reverse its decision to deploy THAAD could portend similarly aggressive move on future occasions where China feels its national interests are being threatened, creating a powerful deterrent for other countries involved in potential diplomatic or security disputes with China.⁷⁰

⁶⁷ Ibid., p. 417.

⁶⁸ Ibid., 421.

⁶⁹ Matt Stiles. "Upset over a U.S. Missile Defense System, China Hits South Korea Where It Hurts - in the Wallet." Los Angeles Times, Los Angeles Times, 28 Feb. 2018, www.latimes.com/world/asia/la-fg-china-south-korea-tourism-20180228-htmlstory.html.

⁷⁰ U.S.-China Economic and Security Review Commission. Staff Research Report. July 26, 2017. p. 9.

The political structure of China allowing top-down decisions to be implemented in a matter of hours across the country could deter other Asia nations from cooperating with the U.S., placing importance on the U.S.-South Korea-Japan trilateral relationship to deter China.

The modification to the Japan-U.S. Defense Cooperation treaty examined based on its rationale, could provide a leeway for the Japanese troops to land on the South Korean soil to carry on the U.S. military mission on the Korean peninsula. If this were to be true, the opinion of the U.S. troops on South Korea could rapidly become unfavorable, considering the Japanese annexation of Korea in 1910.

Chapter 2 – The Issue of Comfort Women

The issue of “Comfort Women”⁷¹ is a complicated topic that has not attracted the global spotlight in decades; the topic only came up to the surface of scholars’ attention in the mid-1990s. The term “Comfort Women” refers to approximately 200,000 young females, between 15-25 mostly from Korea, who were forced into sexual slavery by the Japanese Imperial Army before and during World War II. The Japanese Imperial Army needed these sexual slaves to stabilize soldiers psychologically, after witnessing random sexual violence toward women in occupied territories.⁷² One of the gruesome justifications to kidnap and mobilize young females was to protect soldiers from possibly contracting sexually transmitted disease,

(w)hen the Japanese Army in Manchuria planned special training sessions to prepare for war against Russia, the army requested 20,000 women for army brothels from the Korean colonial government, and 8,000 were actually mobilized for that purpose. The targeted mobilization of Korean women as "comfort women" was originally designed to protect Japanese soldiers from STDs because Korean young women were believed to be sexually inexperienced and therefore uninfected.⁷³ (460)

The “Comfort Women” was, noting the government’s effort to stabilize soldiers by targeting young women, then, is a long-held systematic system by the Japanese

⁷¹ Translation from the Korean term wihanfu – wihan meaning “comfort” and fu meaning “a unit.” The term “Comfort Women” itself has a contentious meaning, that the word “comfort” may implicate that the sexual coercion was a consented form of sex; it should be termed “enforced sex slaves,” as mentioned by the former Secretary of State Hillary Clinton.

⁷² Chih-Chieh Chou. "An Emerging Transnational Movement In Women's Human Rights: Campaign of Nongovernmental Organizations on "Comfort Women" Issue in East Asia." *Journal of Economic and Social Research* 4.2 (2003): p. 157.

⁷³ Na Young Lee. “The Construction of Military Prostitution in South Korea during the U.S. Military Rule, 1945-1948.” *Feminist Studies* 33, no. 3 (Fall 2007): p. 453.

government enforced by the Supreme Commander of the Japanese Army, located in mostly every Japanese military station throughout the world.

Interview records and military archives reveal the gruesome violence to kidnap and rape women in countries such as Philippine, China, and South Korea by the Japanese Imperial Army.⁷⁴ The kidnapped women were then sent to different “comfort stations” where they had to engage in sexual acts with soldiers against their will. Yoshimi Yoshiaki is a professor of modern Japanese history at Chuo University in Tokyo and a founding member of the Center for Research and Documentation of Japan’s War Responsibility. In his book *Military Comfort Women*, he defined “Comfort Women” as “women who provided sexual services to soldiers under the management of the Japanese military, with limited freedom under conditions depriving them of human rights.”⁷⁵ The issue of “Comfort Women” is an issue of human rights where the “military kept women imprisoned and soldiers gang-raped women through organized violence under conditions in which the women had no choice,”⁷⁶ and the systematic coercive methods such as, “deception, abduction, or human trafficking to bring women into ‘comfort stations,’ women were imprisoned and turned into sex slaves”⁷⁷ reveals the human rights violation by the Japanese government.

The “Comfort Women” should have been resolved during the Tokyo Trial set up by the United Nations War Crimes Commissions in October 1945 on behalf of 17 Allied

⁷⁴ Yang Li. “Reflections on Postwar Nationalism: Debates and Challenges in the Japanese Academic Critique of the ‘Comfort Women’ System.” *Chinese Studies in History* 53, no. 1 (January 2020): p. 44.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Ibid.

Nations to trial and punish war crime criminals.⁷⁸ Yet, despite numerous evidence of abduction and rape, the trial did not address the issue of “Comfort Women,” that,

(t)he Commission compiled a list of 32 violations of laws and customs of war that warranted criminal punishment at the Nuremberg and Tokyo Trials. Listed at numbers 5 and 6 respectively, “rape” and the “abduction of girls and women for the purpose of enforced prostitution” appeared high on the list alongside other egregious war crimes...had volumes of evidence about the establishment and operation of the comfort stations...Nonetheless, crimes against the comfort women were never tried at the Tokyo War Crimes Trial.⁷⁹

Furthermore, the 1965 Basic Treaty between Japan and Korea to settle the question of war reparation and to establish basic diplomatic relationships failed to discuss the issue of the “Comfort Women.” The treaty discussed Japanese restitution to individual victims who suffered during the colonized period but failed to include the victims of “Comfort Women.”⁸⁰

A Japanese documentary on the issue of “Comfort women” was produced in 1974 by Senda Kako based on her book *Military Comfort Women*. However, Senda portrays “Comfort women” as prostitutes and sex workers near the military camps and the “comfort stations” as brothels, eliminating the forced nuance of the issue.⁸¹ The issue has not gained proper attention until 1991 when one of the survivors Kim Hak Sun’s public testimony of her experience as a “Comfort Women” was published.⁸² The first official testimony from the survivors nearly took four decades since the end of the “Comfort

⁷⁸ Nicola Henry. "Memory of an Injustice: The "Comfort Women" and the Legacy of the Tokyo Trial." *Asian Studies Review* 37.3 (2013): p. 366.

⁷⁹ Ibid., 367.

⁸⁰ Aniko Varga. "National Bodies: The "Comfort Women" Discourses and Its Controversies in South Korea." *Studies in Ethnicity and Nationalism* 9.2 (2009): p. 290.

⁸¹ Yang Li. “Reflections on Postwar Nationalism: Debates and Challenges in the Japanese Academic Critique of the ‘Comfort Women’ System.” *Chinese Studies in History* 53, no. 1 (January 2020): p. 42.

⁸² Park You-me. "Compensation to Fit the Crime: Conceptualizing a Just Paradigm of Reparation for Korean “Comfort Women”." *Comparative Studies of South Asia, Africa and the Middle East* 30.2 (2010): p. 206.

Women” and many human rights scholars speculated that the culture of the Eastern Asian region embedded the notion of humility and disgrace on the family once the victim, in the context of a mother or a wife, is to be found as a “Comfort Women”, as Kim Hak Sun mentioned that one of the main reasons to step forward and testifying was because all of her family is now dead, that she no longer has anyone to disgrace.⁸³ Moreover, the government of Korea since the liberation faced political turmoil, including many civil rights and democratization movements sprouted throughout the nation. The political turmoil in its counterpart created oppressive regimes for several decades, which paid no attention to human rights, more specifically, women's rights.⁸⁴

The testimony echoed throughout the nation and prompted attention that the Japanese government had to reply to the alleged actions. The Japanese government admitted the existence of the comfort stations in their military bases, but rejected to admit the direct involvement and refused to compensate the victims because

(1) recent developments in international laws may not be applied retroactively; (2) the comfort stations system cannot be accurately described as slavery, *and* the prohibition of slavery was not established as a customary norm at the time anyway; (3) acts of rape during armed conflict were not explicitly prohibited by international conventions at the time; and (4) the laws of war would apply only to Japanese military conduct against subjects of belonging to another nation-state at war with Japanese and would not cover the actions of Japanese military personnel against Korean nationals because Korea was Japan’s colony at the time.⁸⁵

The reasoning behind the Japanese government outraged many Koreans, especially men, as it transpired a sense of unity well explained by a scholar Jungmin Seo,

⁸³ Aniko Varga. "National Bodies: The "Comfort Women" Discourses and Its Controversies in South Korea." *Studies in Ethnicity and Nationalism* 9.2 (2009): p. 293.

⁸⁴ Ibid., 292.

⁸⁵ Aniko Varga. "National Bodies: The "Comfort Women" Discourses and Its Controversies in South Korea." *Studies in Ethnicity and Nationalism* 9.2 (2009): p. 292.

From the perspective of a masculine nation state, women are regarded as domesticated for the purpose of national production, therefore the loss of the women's chastity was treated as the loss of nation's essential property. Therefore, the outburst of anger in Korean society apparently took the form of Korean men's anger against Japanese men because of the nationalist doctrine that "Korean women's sexuality belongs to Korean men".⁸⁶

The Japanese government sensed the urgency to release a statement concerning the issue and then Chief Cabinet Secretary Yohei Kono⁸⁷ delivered the first official government response in August 1993, acknowledging the involvement of the military and apologizing to victims of "Comfort Women." Following the statement, the Asian Women's Fund (AWF) was created under the auspice of the Japanese government to distribute and compensate to "Comfort Women" that seek compensation restitution.⁸⁸ However, the AWF was created in a form of a non-governmental organization, a privately-funded organization. The indirect involvement of the Japanese government to this date is seen as insincere, as the AWF merely resembles a charity to help out raped victims.⁸⁹

The government of South Korea is demanding nothing more than a sincere apology from the government of Japan, which means a resolution and/or legislation officially binding apology to the victims of "Comfort Women" and to compensate them directly, not through a private charity fund. In more so, the government of South Korea demands that the Education department of Japan to not slant the historical facts about the

⁸⁶ Jungmin Seo. " Politics of Memory in Korea and China: Remembering the Comfort Women and the Nanjing Massacre." *New Political Science* 30.3 (2008): p. 377.

⁸⁷ Known as the Kono Statement, "Undeniably, this was an act, with the involvement of the military authorities of the day, that severely injured the honor and dignity of many women. The Government of Japan would like to take this opportunity once again to extend its sincere apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical psychological wounds as comfort women." Kuki p. 247.

⁸⁸ Sonya Kuki. "The Burden of History: The Issue of "Comfort Women" and What Japan Must Do to Move Forward." *Journal of International Affairs* 67.1 (2013): p. 248.

⁸⁹ Ibid., p. 247.

“Comfort Women.” A former Japanese middle school teacher interviewed with BBC, claims that,

For three hours a week – 105 hours over the year, we edged towards the 20th century...it turned out only 19 of the books 357 pages death with events between 1931 and 1945...there was another *sentence* on the Koreans...brought to Japan as miners during the war...[explained] in a footnote, on “comfort women” – a *prostitution corps* created by the Imperial Army of Japan⁹⁰

As the interview states, the textbook refers to “Comfort Women” as a prostitution corps, which infers that those women were there on their own will. In response to the then Minister of Foreign Affairs and Trade of Korea, Mr. Han’s request in 2001 about the selection of history textbooks in middle school, then Japanese Foreign Affairs Mr. Tanaka replied that,

Japan has made explanations to the ROK on Japan's view on history and its textbook authorization procedure, and it recognizes that the Government of the ROK, taking such Japanese stance into account, formulated its stance after serious and careful considerations. The Government of Japan regards it important to accept this with sincerity and study it closely.⁹¹

Yet, the interview was conducted in March of 2013, and the issue is still ongoing, which demonstrates the Japanese government’s reluctance to change the history textbook.

On the other hand, the Japanese government insists on the position that they have done everything they can to ameliorate the situation, resembling the civil remedies in a way, that they are not criminally responsible for the “Comfort Women” because past war criminal trials had no verdicts against the issue of “Comfort Women.” Therefore, the

⁹⁰ Mariko Oi, “What Japanese History Lessons Leave Out,” BBC News (BBC, March 14, 2013), <http://www.bbc.com/news/magazine-21226068>., emphasis added

⁹¹ “Comment by Minister for Foreign Affairs Makiko Tanaka on the Official Stance Conveyed by the Government of the Republic of Korea on the Decision to Authorize Japanese History Textbooks,” MOFA, accessed April 26, 2016, <http://www.mofa.go.jp/announce/announce/2001/5/0508.html>.

appropriate measures are taken, such as the fund, available via the AWF to “Comfort Women” victims and although not guilty of, official apologies were given through the Kono statement.

The ongoing demand for official apologies from the South Korean government has placed the Japanese government under the “apology-fatigue,” that Japan is tired of apologizing. This “apology-fatigue” has prompted a movement towards a strong nation, pre-war era Imperial Japan by neo-nationalist extreme right-wing politicians including the incumbent Prime Minister Abe.⁹² The government of the United States has not directly involved in the “Comfort Women” issue, obviously due to the sensitive nature of the issue and tangled complexity of the political relationship. However, Congress acted on to address the issue via a Simple Resolution. A simple resolution, “...may express the opinion of one Chamber, or the other on foreign policy of other executive business.”⁹³ Albeit it has no legal binding force, it is a direct message of the House of Congress. H. Res. 121 was sponsored by Rep. Michael Honda (D-FL) with 167 co-sponsors during the 110th Congress⁹⁴ and the purpose of the resolution was to condemn the Japanese government for its unsophisticated position in dealing with the issues of “Comfort Women,” urging that,

(t)he Government of Japan should formally acknowledge, apologize, and accept historical responsibility in a clear and unequivocal manner for its Imperial Armed Forces’ coercion of young women into sexual slavery, known to the world as ‘Comfort Women’, during its colonial and wartime occupation of Asia and Pacific Islands from the 1930s through the duration of World War II.⁹⁵

⁹² Sonya Kuki. "The Burden of History: The Issue of "Comfort Women" and What Japan Must Do to Move Forward." *Journal of International Affairs* 67.1 (2013): p 251.

⁹³ “About Bills, Resolutions, and Laws,” About Bills, Resolutions, and Laws, accessed April 15, 2016, https://www.lexisnexis.com/help/CU/Serial_Set/About_Bills.htm.

⁹⁴ 110th Congress served from 2007 to 2008

⁹⁵ Michael M. Honda, “Resolution, July 30, 2007.”

Although a simple resolution does not have the force of law, 168 signatures of the House of Representatives members bespeaks the weight of the “Comfort Women” issue in the heart of the American politic. The H. Res. 121 consists of 11 statements reasoning why the House of Congress is expressing its concern on the issue of “Comfort Women” and how the Government of Japan responded to the issue in the past. The first and second statements describe forced sexual servitude of victims that,

(w)hereas the ‘comfort women’ system of forced military prostitution by the Government of Japan, considered unprecedented in its cruelty and magnitude, included gang rape, forced abortions, humiliation, and sexual violence resulting in mutilation, death, or eventual suicide in one of the largest cases of human trafficking in the 20th century.⁹⁶

The third statement of the H. Res. 121 states, “(w)hereas some new textbooks used in Japanese schools seek to downplay the ‘comfort women’ tragedy and other Japanese war crimes during World War II”.⁹⁷ Despite the 2001 response from the then Japanese Foreign Affairs Mr. Tanaka, the history textbook issue has still not been resolved and a paragraph in the House Resolution demonstrates the importance of printing the correct historical facts even in the eyes of the U.S. Congress.

The fourth statement states, “(w)hereas Japanese public and private officials have recently expressed a desire to dilute or rescind the 1993 statement by Chief Cabinet Secretary Yohei Kono on the ‘comfort women’, which expressed the Government’s sincere apologies and remorse for their ordeal.”⁹⁸ In 2007, Abe made a public statement that there is no such evidence that “Comfort Women” were forced, that they were

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Ibid.

licensed prostitutes. Moreover, he visited Yasukuni Shrine, a shrine built as homage paid to Class-A Japanese war criminals whose spirits are housed, which reflects unapologetic and unrepentant gestures to Koreans and other war victims.⁹⁹ The ongoing demand for official apologies from the Korean government and other nations such as the U.S. has placed the Japanese government under the “apology-fatigue,” that Japan is tired of apologizing. This “apology-fatigue” has prompted a movement towards a strong nation, pre-war era Imperial Japan by neo-nationalist extreme right-wing politicians including the incumbent Prime Minister Abe.¹⁰⁰ The Japanese government insists on the position that they have done everything they can to ameliorate the situation yet the Korean government demands apologies, that “(s)eoul continually makes new claims, moving the goalposts and making it impossible ever to reach a satisfactory conclusion.”¹⁰¹

The fifth, sixth, seventh, and eighth statements refer to treaties and the importance of the alliance between the U.S. and Japan that they must be on the same page in securing fundamental human rights and democratic values. It is important to note the fifth statement that, “(w)hereas the Government of Japan did sign the 1921 International Convention for the Suppression of the Traffic in Women and Children...”¹⁰² In response to the government of South Korea’s demand for apology and compensation to its victims, Japan rejected to admit the direct involvement and refused to compensate the victims because,

(1) recent developments in international laws may not be applied retroactively; (2) the comfort stations system cannot be accurately

⁹⁹ Sonya Kuki. "The Burden of History: The Issue of "Comfort Women" and What Japan Must Do to Move Forward." *Journal of International Affairs* 67.1 (2013): p 250.

¹⁰⁰ Ibid., p 251.

¹⁰¹ Alexandra Sakaki, and Nishino Junya. “Japan’s South Korea Predicament.” *International Affairs*, vol. 94, no. 4, July 2018, p. 748.

¹⁰² Michael M. Honda, “Resolution, July 30, 2007.”

described as slavery, *and* the prohibition of slavery was not established as a customary norm at the time anyway; (3) acts of rape during armed conflict were not explicitly prohibited by international conventions at the time; and (4) the laws of war would apply only to Japanese military conduct against subjects of belonging to another nation-state at war with Japanese and would not cover the actions of Japanese military personnel against Korean nationals because Korea was Japan's colony at the time.¹⁰³

Of the four reasons outlined by the government of Japan, the first and second reason directly conflicts with the signed treaty in 1921. The "recent development in international law" refers to human rights extending over to trafficking issues, which are derived from the original context of the 1921 treaty by the League of Nations. The treaty contains a signature of "His Majesty the Emperor of Japan: His Excellency M. le Baron G Hayashi, Ambassador at London, Delegate to the Second Assembly of the League of Nations"¹⁰⁴; the law is proactive.

The ninth, tenth and eleventh statements refer to the Asian Women's Fund that, "(w)hereas the Asian Women's Fund has raised \$5,700,000 to extend 'atonement' from the Japanese people to the comfort women."¹⁰⁵ The Asian Women's Fund (AWF) was created under the auspice of the Japanese government to distribute and compensate to "Comfort Women" that seek compensation restitution.¹⁰⁶ However, the AWF was created in a form of a non-governmental organization, a privately-funded organization. The indirect involvement of the Japanese government was, and to this date, is seen insincere, as the AWF merely resembles a charity to help raped victims.¹⁰⁷

¹⁰³ Aniko Varga. "National Bodies: The "Comfort Women" Discourses and Its Controversies in South Korea." *Studies in Ethnicity and Nationalism* 9.2 (2009): p. 292.

¹⁰⁴ "UN, United Nations, UN Treaties, Treaties," United Nations (United Nations), accessed July 12, 2014, https://treaties.un.org/Pages/Content.aspx?path=DB%2FLoNOnline%2FpageIntro_en.xml.

¹⁰⁵ Michael M. Honda, "Resolution, July 30, 2007."

¹⁰⁶ Sonya Kuki. "The Burden of History: The Issue of "Comfort Women" and What Japan Must Do to Move Forward." *Journal of International Affairs* 67.1 (2013): p 248.

¹⁰⁷ Ibid., 247.

Following 11 specific statements explaining what the government of Japan has done, the H. Res. 121 lists four remedies. The number three of the remedies states, “the Government of Japan...(3) should clearly and publicly refute any claims that the sexual enslavement and trafficking of the ‘comfort women’ for the Japanese Imperial Armed Forces never occurred.”¹⁰⁸ The Japanese Imperial Army needed sexual slaves to stabilize soldiers psychologically, after witnessing random sexual violence toward women in occupied territories.¹⁰⁹ The “Comfort Women” was, remarking the government’s effort to stabilize soldiers, then, was a systematic protocol by the Japanese government empowered by the Supreme Commander of the Japanese Army, located in mostly every Japanese military station throughout the world. The “Comfort Women” should have been resolved during the Tokyo Trial set up by the United Nations War Crimes Commissions in October 1945 on behalf of 17 Allied Nations to trial and punish war crime criminals,¹¹⁰

The Commission compiled a list of 32 violations of laws and customs of war that warranted criminal punishment at the Nuremberg and Tokyo Trials. Listed at numbers 5 and 6 respectively, “rape” and the “abduction of girls and women for the purpose of enforced prostitution” appeared high on the list alongside other egregious war crimes...had volumes of evidence about the establishment and operation of the comfort stations...Nonetheless, crimes against the comfort women were never tried at the Tokyo War Crimes Trial.¹¹¹

One of the reasons why Japan was not tried is the possible intervention of the U.S. in the process. The evidence revealed the wrong conduct of the U.S. Army tantamount to what

¹⁰⁸ Michael M. Honda, “Resolution, July 30, 2007.”

¹⁰⁹ Chih-Chieh Chou. "An Emerging Transnational Movement In Women's Human Rights: Campaign of Nongovernmental Organizations on "Comfort Women" Issue in East Asia." *Journal of Economic and Social Research* 4.2 (2003): p. 157.

¹¹⁰ Nicola Henry. "Memory of an Injustice: The "Comfort Women" and the Legacy of the Tokyo Trial." *Asian Studies Review* 37.3 (2013): p. 366.

¹¹¹ Ibid., p. 367.

the Japanese Imperial Army had done during World War II. Nicola Henry argues that one of the reasons why the Allied power did not prosecute Japanese War criminals with charges on the “Comfort Women” despite numerous pieces of evidence indicating the truth were because of the Recreation and Amusement Association, that “prosecutors did not prosecute sexual enslavement to avoid scrutiny of their own complicity in the comfort stations. At the end of the War in 1945, US soldiers visited brothels under the auspices of the Recreation and Amusement Association for almost a year, until General MacArthur had them closed down in 1946.”¹¹² Furthermore, Chou argues that the U.S. knew about the brothels, but the Cold War came after World War II which shifted the international politics towards containing the Soviets that the U.S. needed to build a relationship with Japan to balance and maintain influence in the region.¹¹³

Professor Doolan is an Assistant Professor of History and Women's, Gender, and Sexuality Studies at Brandeis University and she argues that the illegal massage parlors in southern military communities in the United States were encouraged by the military prostitution by the U.S. military in South Korea. She states, “(i)n January of 1947, a circular from the headquarters of United States Army Forces in Korea instructed all male personnel ‘to refrain from association with Korean women,’ forbidding relations with local girls ‘other than through the lowest form of prostitution.’”¹¹⁴ She further states, “in 1945, when some 72,000 American soldiers arrived to transfer power from the devastated Japanese empire following Allied victory in World War II, American soldiers were

¹¹² Ibid., p. 368.

¹¹³ Chih-Chieh Chou. "An Emerging Transnational Movement In Women's Human Rights: Campaign of Nongovernmental Organizations on "Comfort Women" Issue in East Asia." *Journal of Economic and Social Research* 4.2 (2003): p. 158.

¹¹⁴ Yuri W Doolan. "Transpacific Camptowns: Korean Women, US Army Bases, and Military Prostitution in America." *Journal of American Ethnic History* 38, no. 4 (2019): p. 35.

allowed to visit the various colonial era brothels that existed around US military installations once belonging to the Imperial Army.”¹¹⁵ Prohibiting all types of relationships with Korean women other than to engage in prostitution was an order governing the U.S. soldiers in South Korea post the WW2. The U.S. Army Military Government in Korea, which existed from 1945 to 1948 to govern in the absence of an official Korean government enacted Ordinance No. 72, which criminalized Korean women to engage in sexual intercourse with the U.S. soldiers while suffering from a venereal disease.¹¹⁶ The U.S. Army Military Government in Korea was “the only lawful authority in the southern part of the peninsula, the military government functioned as an occupation force whose sole mission was supposedly to protect and defend the sovereignty of South Korea and to maintain civil order until the establishment of an independent South Korean government.”¹¹⁷ The Ordinance No. 72 bespeaks the U.S. military’s heightened awareness of prostitution and further serves as evidence that instead of prohibiting such acts, the U.S. military condoned prostitution. The U.S. military being the only lawful authority of South Korea, the protective measurement to contain a possible epidemic in military bases was to prohibit sexual intercourse if the female is tested positive with the venereal disease, not prohibiting the prostitution. Albeit the prostitution is profoundly different from forced sexual slavery, the notion of an allied troop deeming the Korean women in general as nothing more than prostitutes does not paint a good image for the U.S. military in South Korea, rather could be painted as, “U.S. Army policy took over the foundation laid by the Japanese but modified the system to

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Na Young Lee. “The Construction of Military Prostitution in South Korea during the U.S. Military Rule, 1945-1948.” *Feminist Studies* 33, no. 3 (Fall 2007): p 453.

achieve the dual goals of satisfying soldiers' sexual desires and controlling STDs during the period of U.S. military government rule.”¹¹⁸ Because the United States is cognizant of the international norms on forced sexual slavery, the only governing authority in South Korea enacted a measure to kill two birds with one stone legally – prevent STDs while fulfilling soldiers’ sexual demands.

After decades of disagreement on the issue of the “Comfort Women,” a historical agreement was reached on December 28, 2015, between the two governments. Although one cannot be certain of decision-making factors without having access to all of the government documents, the derailing political relationship between the two governments from the thorny “Comfort Women” issue was no longer bearable considering the strategic importance of the tri-lateral U.S.-South Korea-Japan relationship safeguarding East Asia against China and nuclear threats from North Korea. The Washington Post published an article with the title “Agreement on ‘comfort women’ offers strategic benefits to the U.S. in Asia-Pacific” on January 6, 2016, shortly after the agreement. The article states, “

(t)he United States did not broker the accord or attempt to perform the type of role it has played in the Mideast peace process or some other foreign disputes. But Obama administration officials – including the president himself – intervened at pivotal points over the past two years to help bring Abe and Park closer together, fostering an environment that made it possible for the two countries to settle their grievances over the ‘comfort women.’¹¹⁹

¹¹⁸ Ibid, p. 455

¹¹⁹ Juliet Eilperin, “Agreement on 'Comfort Women' Offers Strategic Benefit to U.S. in Asia-Pacific,” The Washington Post (WP Company, January 9, 2016), https://www.washingtonpost.com/politics/agreement-on-comfort-women-offers-ancillary-benefit-to-us-in-asia-pacific/2016/01/09/41a03d84-b54c-11e5-a842-0feb51d1d124_story.html.

In the agreement, both governments expressly mentioned that the agreement resolved the “Comfort Women” issue “finally and irreversibly.”¹²⁰ The final and irreversible nature of the agreement shows that the governments were quick to put an end to the dragging issue of the “Comfort Women” deteriorating their political relationship with each other. The Diplomat reported that, “(m)ost notably, the agreement provides face-saving solution for South Korea while allowing Japan to remain consistent with its past position that all the issues related to Japan’s wartime wrongdoings were resolved with the signing of Japan-ROK Basic Treaty in 1965 and thus Tokyo is not obligated to compensate the individuals directly.”¹²¹ The face-saving solution connotes the demand from South Korea to receive an official apology from the head of the government of Japan. While the prime minister Abe did not express apology directly, the Japanese foreign minister who delivered the message that the, “(p)rime Minister Abe expresses anew his most sincere apologies and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.”¹²²

South Korean advocacy groups expressed their disappointment that the agreement on the “Comfort Women” is a “diplomatic humiliation.”¹²³ The Korean Council for the

¹²⁰ WSJ Staff, “Full Text: Japan-South Korea Statement on 'Comfort Women',” The Wall Street Journal (Dow Jones & Company, December 28, 2015), <https://blogs.wsj.com/japanrealtime/2015/12/28/full-text-japan-south-korea-statement-on-comfort-women/>.

¹²¹ Yuki Tatsumi, “Japan, South Korea Reach Agreement on 'Comfort Women',” – The Diplomat (for The Diplomat, December 28, 2015), <https://thediplomat.com/2015/12/japan-south-korea-reach-agreement-on-comfort-women/>.

¹²² WSJ Staff, “Full Text: Japan-South Korea Statement on 'Comfort Women',” The Wall Street Journal (Dow Jones & Company, December 28, 2015), <https://blogs.wsj.com/japanrealtime/2015/12/28/full-text-japan-south-korea-statement-on-comfort-women/>.

¹²³ Holly Yan et al., “South Korea, Japan Reach Agreement on 'Comfort Women',” CNN (Cable News Network, December 29, 2015), <https://www.cnn.com/2015/12/28/asia/south-korea-japan-comfort-women/index.html>.

Women Drafted for Military Sexual Slavery pointed out that the agreement does not acknowledge a horrendous systematic crime by the government of Japan.¹²⁴ The agreement states that, “(t)he issue of comfort women, with an involvement of the Japanese military authorities at the time, was a grave affront to the honor and dignity of large numbers of women, and the Government of Japan is painfully aware of responsibilities from this perspective.”¹²⁵ The agreement continues, stating, “...the Government of Japan will now take measures to heal psychological wounds for all former comfort women through its budget...”¹²⁶ Placing a boundary on the issue of “Comfort Women” within the “Japanese military authorities at the time” is a denial of the direct involvement of the Japanese government, which contradicts pieces of evidence showing otherwise. The agreement “final and irreversibly” unshackles the government of Japan from being criminally responsible for the “Comfort Women” because past war criminal trials had no verdicts against the issue of “Comfort Women.” S.J. Friedman is the author of “Silenced No More: Voices of Comfort Women” and she interviewed the “Comfort Women” survivors where she was told that they do not want the money; they want a sincere apology.¹²⁷ Friedman’s interview is consistent with that of previous requests from the “Comfort Women” survivors that they do not seek payment or monetary gain. A sincere apology, which Friedman mentions could be similar to, “the one that Willy Brandt gave at the Holocaust memorial. The Holocaust survivors said

¹²⁴ Ibid.

¹²⁵ WSJ Staff, “Full Text: Japan-South Korea Statement on 'Comfort Women',” The Wall Street Journal (Dow Jones & Company, December 28, 2015), <https://blogs.wsj.com/japanrealtime/2015/12/28/full-text-japan-south-korea-statement-on-comfort-women/>.

¹²⁶ Ibid.

¹²⁷ Holly Yan et al., “South Korea, Japan Reach Agreement on 'Comfort Women',” CNN (Cable News Network, December 29, 2015), <https://www.cnn.com/2015/12/28/asia/south-korea-japan-comfort-women/index.html>.

they were healed by that apology.”¹²⁸ It may not be the kneeling gesture by Willy Brandt that the “Comfort Women” survivors wish to see, but the sincere message conveyed from the gesture is what they wish to receive.

There were approximately 50 “Comfort Women” survivors alive in South Korea in 2015, unfortunately, the number dropped to approximately 20 in 2019.¹²⁹ Perhaps the government of Japan waits until there are no more survivors, deadening the sensitivity and urgency to apologies sincerely. Shortly after the passage of the resolution H. Res. 121 of the 110th Congress, the Philippines, the Netherlands, Canada, and the European Union passed similar resolutions calling upon the government of Japan to apologize.¹³⁰ In October of 2015, San Francisco Board of Education unanimously approved a resolution to teach staff and students to learn about human trafficking, commercial sexual exploitation of children, and “the history of World War II ‘comfort women’ under the Japanese military...”¹³¹ will be taught during history or social studies classes in secondary schools. The influence of the United States Congress even on matters unrelated to domestic affairs demonstrates that perhaps the “Comfort Women” issue could be resolved if the U.S. could mediate the issue from the perspective of human rights.

¹²⁸ Ibid.

¹²⁹ Agnes Constante, “Who Are the ‘Comfort Women,’ and Why Are U.S.-Based Memorials for Them Controversial?,” NBCNews.com (NBCUniversal News Group, May 8, 2019), <https://www.nbcnews.com/news/asian-america/who-are-comfort-women-why-are-u-s-based-memorials-n997656>.

¹³⁰ Ibid.

¹³¹ “Staff and Students to Learn about Human Trafficking and Commercial Sexual Exploitation of Children,” SFUSD, accessed March 14, 2020, <https://archive.sfusd.edu/en/news/current-news/2015-news-archive/10/staff-and-students-to-learn-about-human-trafficking-and-commercial-sexual-exploitation-of-children.html>.

Chapter 3 – The Liancourt Rocks dispute

Similar to the “Comfort Women” issue, the territorial dispute between the government of South Korea and the government of Japan has been a complicated and controversial topic to the government of the U.S. The U.S. remains silent on voicing its stance on the issue, yet encouraging South Korea and Japan to ameliorate their differences in order to straighten the U.S. – South Korea – Japan tri-relationship in the East Asia region.

Liancourt Rocks is a group of islets in the East Sea claimed by both South Korea and Japan. The islets consist of two main islets and 35 smaller rocks with approximately 46 acres surface area of rocks combined. It is located at about 131°52' East longitude and about 37°14' North latitude, equidistant to South Korea and Japan.



Figure 1. Location of Liancourt Rocks

South Korea claims its sovereignty based on a prolonged history of documents antedated as far as 512 AD, whereas Japan claims its sovereignty mainly based on the interpretation of the San Francisco Peace Treaty of 1951. There had been several attempts by Japan to bring the disputed matter to the International Court of Justice (ICJ),

but the ICJ has jurisdiction to hear the disputes only if the parties of the dispute agree to bring the case to the Court. South Korea rejected and continually rejects the jurisdiction of the ICJ because they believe that the islets are not a matter of dispute since the sovereign authority of the islets belongs to them. The government of South Korea's position on bringing the matter to the ICJ is, "(t)he proposal [to submit the case to ICJ] of the [Japanese] government is nothing but another false attempt disguised in the form of judicial procedures. Korea has the territorial rights *ab initio* over Dokdo and sees no reason why she should seek the verification of such rights before any international court."¹³²

Liancourt Rocks is called Dokdo in Korean which means solitary islands. Based on the records in *Sejong Sillok Jiriji* (Geography Section of the Annals of King Sejong's Reign), the Joseon (Korean) government publication in 1454, the Dokdo is treated as a part of Joseon's Uljin-hyeon (Uljin province). The record also indicates that the Liancourt Rocks had been territories of Usan-guk (Usan State), which Silla¹³³ conquered in the early 6th century, indicating South Korea's effective control over Liancourt Rocks extends back to the year 512.¹³⁴ There are consistent records found in *Sinjeung Dongguk Yeoji Seungnam* (Revised and Augmented Survey of the Geography of Korea) of 1531, *Dongguk Munheon Biggo* (Reference Compilation of Documents on Korea) of 1770, *Man-gi Yoram* (Manual of State Affairs for the Monarch) of 1808, and *Jeungbo Munheon Biggo* (Revised and Enlarged Edition of the Reference Compilation of Documents on

¹³² "Dokdo, Why Dokdo Is Korean Territory: MOFA Dokdo," Dokdo, Beautiful Island of Korea, <http://dokdo.mofa.go.kr/eng/dokdo/reason.jsp>.

¹³³ One of the former kingdoms of Korea from 57 BC to 935 AD

¹³⁴ "Dokdo, Why Dokdo Is Korean Territory: MOFA Dokdo," Dokdo, Beautiful Island of Korea, <http://dokdo.mofa.go.kr/eng/dokdo/reason.jsp>.

Korea) of 1908.¹³⁵ Based on historical evidence, the government of South Korea maintains the position that, “(d)okdo is an integral part of Korean territory, historically, geographically and under international law. No territorial dispute exists regarding Dokdo, and therefore Dokdo is not a matter to be dealt with through diplomatic negotiations or judicial settlement.”¹³⁶

The first instance of the dispute surrounding the Liancourt Rocks between South Korea and Japan dates to 1669, referred to as the Ulleung-do dispute. Ulleung-do is a habitable island to the left of Liancourt Rocks and the Ohya and Murakawa families of Tottori-han (feudal clan of Tottori) of Japan argued with Korean fishermen about fishing rights around the Liancourt Rocks in 1693. The Ohya and Murakawa families petitioned the Japanese government (Edo shogunate) to prohibit the Koreans passage to the Ulleung-do, and the response was to negotiate with the Joseon government.¹³⁷ After the negotiation, the Tottori-han responded to the Japanese government that neither Ulleung-do nor Liancourt Rocks belonged to Tottori-han, which led the Japanese government to issue a directive in January 1696, prohibiting all Japanese fishermen from making passages through Ulleung-do.¹³⁸ The directive states,

...it [Ulleung-do] is undoubtedly Choson’s [South Korea] territory. The country could settle the matter by military power, but is not our policy to impair the good-neighborly relations over a useless, small island. From the beginning, that island was never taken from Choson by force, and it does not make sense for Choson to turn it over to us. The only thing to do is to prohibit permanently the Japanese people from going there for fishing...

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Ibid.

¹³⁸ Ibid.

Liancourt Rocks was not the definitive object discussed in the directive, yet the proximity of the Ulleung-do to the Liancourt Rocks considered the Liancourt Rocks as its ancillary.

In 1877, a directive issued to the Ministry of Home Affairs by the Dajokan (Grand Council of State) confirms the result of the negotiation in the “Ulleung-do dispute.” The 1877 directive states that, “(i)t was confirmed through the negotiations between the old government [Edo shogunate] and the Joseon [Korea] government that the two islands [Liancourt Rocks and Ulleung-do] do not belong to our country [Japan].”¹³⁹ The Dajokan sent a directive to the Ministry of Home Affairs stating, “(r)egarding two islands [Ulleungdo and Liancourt Rocks] ...bear in mind that our country [Japan] has nothing to do with them.”¹⁴⁰ The Dajokan Order of 1877 confirmed the 1696 directive that the Liancourt Rocks is not Japanese territory.

Unlike South Korea, which argues for sovereignty over Liancourt Rocks based on historical documents, Japan argues their historical claim by proving that those presented in historical documents from South Korea are misinterpreted. According to the publication of The Ministry of Foreign Affairs of Japan in 2012, Japan’s position on South Korea’s occupation of Liancourt Rocks is,

The occupation of Takeshima by the ROK is an illegal occupation undertaken on absolutely no basis of international law. No measure taken by the ROK during its illegal occupation with regard to Takeshima has any legal justification. This illegal occupation is not acceptable in any way, given Japan's position on its sovereignty over Takeshima. Japan has been consistently making strong protests against each and every measure taken by the ROK and demanding the withdrawal of the measure.¹⁴¹

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ “Takeshima,” Ministry of Foreign Affairs of Japan, <https://www.mofa.go.jp/region/asia-paci/takeshima/index.html>.

Japan further asserts that the sovereignty of the Liancourt Rocks is with Japan based on international legal doctrine *terra nullius*, which means unoccupied land.¹⁴²

At the beginning of the 1900s, sea lion hunting developed around Liancourt Rocks and attracted competitive hunting. Yozaburo Nakai, a resident of the Oki Islands of Shimane Prefecture, submitted a request in September 1904 to government ministers, including Home Minister, Foreign Minister, and Agriculture and Commerce Minister to incorporate the territory of the Liancourt Rocks under the jurisdiction of Oki Islands and to extend a 10-year lease on its utilization.¹⁴³ Nakai planned to monopolize the sea lion hunting business in the region. Subsequently, the Russo-Japanese War broke off in 1904, prompting the Japanese Navy to build watchtowers along the east coast of Korea to monitor the Russian Navy activities. The Liancourt Rocks was deemed a suitable location to build one of the watchtowers, and the government condoned Nakai's request to bring the Liancourt Rocks under the jurisdiction of the Oki Island branch on the ground of *terra nullius* and officially named as "Takeshima."^{144, 145} Based on the opinion of a Ministry of Foreign Affairs officials, "building a watchtower and installing radio transmissions or submarine telegraph communication systems on Takeshima would give us an advantage in terms of monitoring enemy ships."¹⁴⁶ The need to incorporate the Liancourt Rocks under the Japanese territory for military strategy has created Japan's first historical claim over the islets.

¹⁴² Laurent Mayali, and John Yoo. "Resolution of Territorial Disputes in East Asia: The Case of Dokdo." *Berkeley Journal of International Law* 36, no. 3 (September 2018): p. 507.

¹⁴³ "Takeshima," Ministry of Foreign Affairs of Japan, <https://www.mofa.go.jp/region/asia-paci/takeshima/index.html>.

¹⁴⁴ *Ibid.*

¹⁴⁵ Laurent Mayali, and John Yoo. "Resolution of Territorial Disputes in East Asia: The Case of Dokdo." *Berkeley Journal of International Law* 36, no. 3 (September 2018): p. 514.

¹⁴⁶ "Dokdo, Why Dokdo Is Korean Territory: MOFA Dokdo," Dokdo, Beautiful Island of Korea, <http://dokdo.mofa.go.kr/eng/dokdo/reason.jsp>.

Following the end of World War II, the United States and allies began rehabilitation of war-devastated Japan. In September of 1945, United States General Douglas MacArthur was appointed as a commander of the Supreme Commander for the Allied Powers (SCAP). In accordance with the Potsdam doctrine, the SCAP became the sole authority over Japan. Reports of General MacArthur notes that,

from the moment of surrender, the authority of the Emperor and the Japanese Government to rule the state will be subject to you and you will take such steps as you deem proper to effectuate the surrender terms. You will exercise supreme command over all land, sea and air forces which may be allocated for enforcement in Japan of the surrender terms by the Allied Forces concerned.¹⁴⁷

The Supreme Commander for the Allied Powers' Instructions (SCAPINS) was an established form of communication between the SCAP and the administrative bodies of the Japanese Government.¹⁴⁸ The memorandum No. 677, issued on January 29, 1946, states that, "for the purpose of this directive, Japan is defined to include the four main islands of Japan...and excluding...Liancourt Rocks."¹⁴⁹ Following the issuance, General MacArthur divided the Liancourt Rocks from Japan, which is later known as the "MacArthur Line."¹⁵⁰ The clear intention to exclude the Liancourt Rocks with the power vested in the commander of the SCAP is a piece of evidence that the Liancourt Rocks is under the territory of South Korea. In addition to the SCAPIN memorandum No. 677, memorandum No. 1033 was issued to prohibit Japanese vessels or personnel from coming within 12 nautical miles of the Liancourt Rocks, stating, "Japanese vessels or

¹⁴⁷ Reports of General MacArthur, p. 69

<https://history.army.mil/books/wwii/MacArthur%20Reports/MacArthur%20V1%20Sup/index.htm#cont>

¹⁴⁸ Reports of General MacArthur, p. 73

<https://history.army.mil/books/wwii/MacArthur%20Reports/MacArthur%20V1%20Sup/index.htm#cont>

¹⁴⁹ S. Lee, and J. M. Van Dyke (2010). The 1951 San Francisco Peace Treaty and Its Relevance to the Sovereignty over Dokdo. *Chinese Journal of International Law*, 9(4): p. 743.

¹⁵⁰ Kimie Hara. (2001). 50 Years from San Francisco: Re-examining the Peace Treaty and Japan's Territorial Problems. *Pacific Affairs*, 74(3): p. 361.

personnel thereof will not approach closer than twelve miles to Takeshima nor have any contact with said island.”¹⁵¹

The government of Japan argues that the SCAPINS memorandum No. 677 and No. 1033 are not “an expression of allied policy relative to ultimate determination of territory,”¹⁵² that the San Francisco Treaty decided the territory of Japan. The MacArthur line was abolished following the signing of the San Francisco Peace Treaty, and in response, the government of South Korea unilaterally declared Rhee Line, named after the then-president Seungman Rhee.

The San Francisco Peace Treaty came into force on April 28, 1952, which legally ended World War II and restored “diplomatic ties, reparations, territorial concessions, the treatment of expired commerce and navigation treaties, and other issues to resolve war-instigated problems and lay out the principles for postwar relations.”¹⁵³ The treaty was signed in San Francisco and was drafted by the U.S. government officials, William J. Sebald and John Foster Dulles.

William J. Sebald was the first person in charge of drafting the San Francisco peace treaty. In the first five drafts of the treaty from 1947 to 1949, the treaty excluded Liancourt rocks from Japan states that, “(J)apan hereby renounces all rights and titles to Korea and all minor offshore Korean islands, including...Liancourt Rocks”¹⁵⁴ Towards the end of 1949, the United States reevaluated this position, as Sebald mentioned that,

¹⁵¹ “Dokdo, Why Dokdo Is Korean Territory: MOFA Dokdo,” Dokdo, Beautiful Island of Korea, <http://dokdo.mofa.go.kr/eng/dokdo/reason.jsp>.

¹⁵² “Takeshima,” Ministry of Foreign Affairs of Japan, <https://www.mofa.go.jp/region/asia-paci/takeshima/index.html>

¹⁵³ Takashi Tsukamoto, “The Treaty of Peace with Japan and Takeshima's Legal Status: Research,” Review of Island Studies, June 10, 2013, <https://www.spf.org/islandstudies/research/a00002.html>.

¹⁵⁴ S. Lee, and J. M. Van Dyke (2010). The 1951 San Francisco Peace Treaty and Its Relevance to the Sovereignty over Dokdo. Chinese Journal of International Law, 9(4): p. 746.

“security considerations might also conceivably render the provision of weather and radio stations on these islands [Liancourt Rocks] a matter of interest to the United States.”¹⁵⁵

Due to the location of the islands, the allied power asserted jurisdiction over Liancourt rocks for use as a bombing range. Following the reevaluation, the 6th draft was composed, which excluded Liancourt rocks, “(t)he territory of Japan shall comprise the four principal Japanese home islands...including the islands of the Inland sea...and all other islands in the Japan sea within a line connecting the farther shores of Tsushima, Takeshima (Liancourt Rocks), and Rebun...”¹⁵⁶ The 6th draft of the San Francisco Peace Treaty outweighed the importance of military strategy for the U.S. over the historical facts on the sovereignty of the islets.

In April 1950, John Foster Dulles was appointed to oversee the peace treaty process. A couple of months later, the Korean War broke out, which complicated the geopolitical situation. Dulles made no mention of who controlled Liancourt Rocks in the drafts 10th through 13th; the 14th included Liancourt Rocks in Japan, the 15th through 18th drafts again made no mention of Liancourt Rocks.

As the Korean War worsened for the allied troops defending South Korea, General MacArthur faced a conundrum. He knew that he had to transfer troops stationed in Japan to South Korea; otherwise, South Korea will not stand a chance against the communist North Korean troops. However, if he transferred troops, Japan would become vulnerable to a possible Soviet invasion. Facing the urgent matter, his solution was to create a force of 75,000 Japanese men, “National Police Reserve.” The urgency to finalize the peace treaty to legally create an armed force in Japan hastened the treaty draft

¹⁵⁵ Ibid.

¹⁵⁶ Ibid., p. 747.

process. The San Francisco Treaty officially declared the National Police Reserve as the Japanese Self-Defense Force and the treaty transferred further responsibilities regarding armed forces from the SCAP to Japan.¹⁵⁷

The finalized draft of the peace treaty excluded Liancourt Rocks from Japan's renouncement, reflecting the U.S.'s geopolitical interest and its fear of spreading communism in East Asia. Although the U.S. fought for South Korea, the unfavorable outcome of the North invading the South still existed, which implies the possibility of the Korean peninsula becoming a communist country. The Central Intelligence Agency (CIA) reported that, "(K)orean passion for unity and independence is strong enough to blind South Koreans to the fact that a coalition government, including the North Korean People's Committee and the South Korean Left, would be the first step toward soviet domination of the entire country."¹⁵⁸ If the treaty implicated the sovereignty of Liancourt Rocks to South Korea and South Korea came under the communist influence, the Liancourt Rocks could become a missile site for the Soviets to threaten U.S. influence in Japan, considering the proximity to the mainland.¹⁵⁹ Upset by the finalized version of the treaty excluding Japan from renouncing the Liancourt Rocks, then the Korean ambassador to the U.S. sent a letter to the U.S. Secretary of State in July 1951. However, Dean Rusk, Assistant Secretary of State, replied in August of that year, stating, "US could not agree to change because Dokdo was, according to our information, never treated as part of Korea, noting that Japan had claimed it since 1905..."¹⁶⁰ The Assistant

¹⁵⁷ Ibid.

¹⁵⁸ Thomas Schwartz, John Yoo, Asian Territorial Disputes and the 1951 San Francisco Peace Treaty: The Case of Dokdo, *Chinese Journal of International Law*, Volume 18, Issue 3, September 2019: p. 522.

¹⁵⁹ S. Lee, and J. M. Van Dyke (2010). The 1951 San Francisco Peace Treaty and Its Relevance to the Sovereignty over Dokdo. *Chinese Journal of International Law*, 9(4): p. 747-748.

¹⁶⁰ Ibid., p. 749.

Secretary of State's argument failed to discuss the strategic importance of the Liancourt Rocks for the allied troops to defend the East Asia region against a possible spread of communism, rather referenced Japan's claim over the Liancourt Rocks from the annexation in 1905.

The urgent matter to transfer troops and the fear of the Korean peninsula becoming a communist state expedited the draft of the peace treaty. Thus, to draw consensus amongst signatories in a short amount of time, the finalized draft became short and excluded possible contentious matters to eliminate any debates that would delay the signing ceremony. John Yoo is a professor of Law at the University of California at Berkeley and has published numerous articles on the territorial dispute issue surrounding the Liancourt Rocks. Yoo summarizes the influence of the geopolitics surrounding the East Asia region as the Cold War emerged on the San Francisco Peace Treaty that,

In 1945 the United States favored a settlement that clearly awarded Dokdo to Korea and subjected Japan to territorial losses and severe restrictions on its military and economic capabilities. By 1951, Japan was restored to its sovereignty as an independent nation, bound to the United States with a security alliance, but free to develop its economic power. The United States was silent on the Dokdo issue, one of the many unresolved issues in the peace treaty. That change in the American position of 1945 to its stance in the 1951 peace treaty was heavily influenced by the imperatives of the Cold War.¹⁶¹

Among the signatories of the peace treaty, South Korea never signed the San Francisco Peace Treaty, simply because South Korea was never invited to the peace treaty signing ceremony. The U.S. originally intended to invite South Korea to the ceremony as a method to publicize the legitimacy of its independence, but Dulles stopped the invitation. He mentioned that, "only those nations in a state of war with Japan and

¹⁶¹ Thomas Schwartz, John Yoo, Asian Territorial Disputes and the 1951 San Francisco Peace Treaty: The Case of Dokdo, *Chinese Journal of International Law*, Volume 18, Issue 3, September 2019: p. 511.

which were signatories of the United Nations Declarations of 1942 would sign the treaty”¹⁶² However, of the San Francisco Peace Treaty signatories, Vietnam and Laos were not signatories of the United Nations Declarations of 1942.

The government of South Korea’s claim of its sovereignty despite the San Francisco Peace Treaty excluding the Liancourt Rocks is based on the treaty itself explicitly mentioning three islands to belong to South Korea. Article 2 of the treaty states, “Japan recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.”¹⁶³ South Korea claims that there are over 3000 islands in the territory of South Korea, that, “the mere fact that Dokdo is not explicitly mentioned in the said article does not suggest that Dokdo is not included among those territories of Korea separated from Japan.”¹⁶⁴ This claim, however, could be contentious given that the treaty could not possibly have captured the names of over 3000 islands.

An assumption behind the reason why South Korea was not invited to the ceremony is possibly presented through the joint intention of the U.S. and Japan. The peace treaty not only satisfies written conditions regarding what a nation can and cannot do but also gives benefits to the people of signatory states. Professor Seokwoo Lee and Jon Von Dykes mention that, “(U)S wanted to exclude Koreans living in Japan from the property benefits that allied civilians would receive under the treaty...Dulles suggested that many of these Koreans [in Japan] were undesirable, being in many cases from North

¹⁶² S. Lee, and J. M. Van Dyke (2010). The 1951 San Francisco Peace Treaty and Its Relevance to the Sovereignty over Dokdo. *Chinese Journal of International Law*, 9(4): p. 751.

¹⁶³ “Dokdo, Why Dokdo Is Korean Territory: MOFA Dokdo,” Dokdo, Beautiful Island of Korea, <http://dokdo.mofa.go.kr/eng/dokdo/reason.jsp>.

¹⁶⁴ Ibid.

Korea and the constituting center for Communist agitation in Japan”¹⁶⁵ The monetary benefits from the treaty to Koreans living in Japan, in Dulles’ perspective, would be giving money to communists.

How would the Liancourt Rock dispute unfold if the ICJ was to hear the case? Albeit the government of South Korea continually rejects to have the dispute heard by the ICJ, based on previous territorial dispute cases, one could assume how the verdict would unfold in the eyes of the ICJ.

Miniquiers and Ecrehos Case (1953)

In 1953, the ICJ agreed to hear a case submitted by France and the United Kingdom (U.K.) to decide on the territorial dispute over the Miniquiers and Ecrehos islands located in the English Channel between Jersey (U.K.) and the mainland of France.¹⁶⁶ The Court reviewed various historical documents and awarded both islands to the UK. The Court reasoned its decision based on historical administration over the territory exercised by past British Kings, stating,

On the basis of various medieval documents, it held the view that the King of England exercised his justice and levied his rights in these islets which showed that there was a close relationship between the Ecrehos and Jersey...various facts showed that Jersey authorities have, in several ways, exercised ordinary local administration in

¹⁶⁵ Ibid.

¹⁶⁶ Sumner, Brian Taylor Sumner. "Territorial Disputes at the International Court of Justice." Duke Law Journal 53, no. 6: p. 1792.

respect of the Minquiers during the long period of time...”¹⁶⁷

The decisive importance, in this case, was, “...direct evidence of possession and the actual exercise of sovereignty.”¹⁶⁸ The Court considered historical documents submitted by the U.K. as compelling evidence to prove that the U.K. exercised sovereignty over the two islands.

France argued that its sovereignty was based on the sole charge of lighting and buoying the islands without encountering objections from the U.K. The Court rejected France’s argument, claiming that the French government did so to aid navigation and to protect their ships against reefs located around the islands, not as a sovereign authority of the islands, but for the protection of its citizens.

Case Concerning The Temple of Preah Vihear (1962)

The subject of dispute was sovereignty over the region of the Temple of Preah Vihear, which sat on the border of Cambodia and Thailand. Both parties made their claims based on the treaty in 1904. The main component of the treaty was to establish a Franco-Siamese Mixed Commission to map the frontier region. Not being capable of mapping their boundary, the Siamese government requested French officers to map the frontier region.¹⁶⁹ The map was completed in 1907 by a team of French officers, and based on the map, the temple was situated in Cambodia.

Thailand argued that the map was not the work of Mixed Commissions, thus, it had no binding character. The Court rejected this claim, stating, “(s)ince there was no

¹⁶⁷ Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice. Minquiers and Ecrehos Case, Judgement of 18 November 1953 I.C.J.

¹⁶⁸ Ibid.

¹⁶⁹ Sumner, Brian Taylor Sumner. "Territorial Disputes at the International Court of Justice." Duke Law Journal 53, no. 6: p. 1795.

reaction on the part of the Siamese authorities, either then or for many years, they must be held to have acquiesced...if the Siamese authorities accepted the map without investigation, they could not now plead any error vitiating the reality of their consent.”¹⁷⁰ In addition, the Court also noted that in the 1925 and 1937 Franco-Siamese Treaties, Thailand did not raise the issue of either the map or the sovereignty of the temple.¹⁷¹ Based on this reasoning, the Court concluded that Thailand had accepted the map; therefore, Cambodia had sovereignty over the temple.

Case Concerning Sovereignty over Pulau Ligitan and Pulau Sipadan (2002)

The dispute over the islands between Indonesia and Malaysia fomented from the parties’ different interpretations of the 1891 Convention between Great Britain and the Netherlands. Indonesia argued that, “...based primarily on a conventional title, the 1891 convention between Great Britain and the Netherlands, islands lie to the south of the established parallel line between the British and Dutch, therefore follows that under the convention title to those islands vested in the Netherlands, and now vests in Indonesia.”¹⁷² However, Malaysia argued that, “1891 Convention, when seen as a whole, clearly shows that Great Britain and the Netherlands sought by the Convention solely to clarify the boundary between their respective land possessions on the islands of Borneo and Sebatik.”¹⁷³

After examining the 1891 Convention, the Court concluded that the islands belong to Malaysia, “confirmed both by the *travaux preparatoires* and by the subsequent

¹⁷⁰ Reports of Judgments, Advisory Opinions and Orders. Case Concerning the Temple of Preah Vihear. Judgment of 15 1962: p. 23

¹⁷¹ Sumner, Brian Taylor Sumner. "Territorial Disputes at the International Court of Justice." Duke Law Journal 53, no. 6: p. 1795.

¹⁷² Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice. Case Concerning Sovereignty over Pulau Ligitan and Pulau Sipadan. Judgment of 17 December 2002: p. 271

¹⁷³ Ibid.

conduct of the parties to the convention”¹⁷⁴ The Court rejected Indonesia’s argument of *effectivites*, claiming the sovereignty based on Indonesian fishermen traditionally accessed water around the region. The Court stated that based on, “activities by private persons cannot be seen as *effectivites* if they do not take place of the basis of official regulations or under government authority.”¹⁷⁵

On the contrary, the Court accepted the *effectivites* of Malaysia on the islands based on the history of regulating turtle eggs, followed by the Turtle Preservation Ordinance of 1917 of the Malaysian government.¹⁷⁶ The Court relied on the turtle preservation because it demonstrated, “legislative, administrative, and quasi-judicial acts” and that no disagreements or protests from Indonesia or its predecessor, the Netherlands, were expressed.¹⁷⁷

The Chapter VI, Article 22 of the San Francisco Peace Treaty gives the ICJ the jurisdiction to hear a case, “(i)f in the opinion of any Party to the present Treaty there has arisen a dispute concerning the interpretation or execution of the Treaty, which is not settled by other agreed means, the dispute shall, at the request of party thereto, be referred to decision to the International Court of Justice.”¹⁷⁸ Hypothetically, if the government of South Korea and the government of Japan agree to have the Liancourt Rock dispute adjudicated by the ICJ, the ICJ will have the jurisdiction to hear the case not only based on its vested power, but also per the San Francisco Peace Treaty. Each country is likely

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Sumner, Brian Taylor Sumner. "Territorial Disputes at the International Court of Justice." Duke Law Journal 53, no. 6: p. 1803.

¹⁷⁷ Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice. Case Concerning Sovereignty over Pulau Ligitan and Pulau Sipadan. Judgment of 17 December 2002: p. 270.

¹⁷⁸ Kimie Hara. (2001). 50 Years from San Francisco: Re-examining the Peace Treaty and Japan’s Territorial Problems. Pacific Affairs, 74(3): p. 372.

to present its sides with historical documents and subsequent treaties. Although the ICJ does not rely on precedents, the prior territorial dispute cases can guide the possible outcomes of the Court's holding.

Based on the Temple of Preah Vihear case, the Court will likely award the Liancourt Rocks to South Korea. The Court awarded the temple to Cambodia based upon the map drawn by the Mixed Commissions. The Court also noted that Thailand failed to raise any disagreements about the location of the temple on the map in the 1925 and 1937 Franco-Siamese treaties.

Likewise, the Rhee Line, following the MacArthur line that included Liancourt Rocks in South Korea, was not challenged in the 1962 Normalization Treaty. The Normalization treaty in essence promoted healthier diplomatic relations between the two countries by having Japan acknowledge its wrongdoings during the annexation of Korea and awarding victims with monetary compensation. South Korea and Japan entered into the 1965 Normalization Treaty without any reference to the Liancourt Rocks, which in the eyes of the Court could be viewed as, "...particularly Korea's immediate possession and exercise of control over Dokdo and Japan's acquiescence that can be found in its acceptance of the 1965 Normalization Treaty."¹⁷⁹ The current position of the Japanese government concerning the Rhee Line is, "(e)stablishment of this line, encompassing the islands of Takeshima and a large area of water and fisheries jurisdiction, was a unilateral act in contravention of international law."¹⁸⁰ The government of Japan could have raised its concern of the Rhee Line including the Liancourt Rocks, which is considered as their

¹⁷⁹ S. Lee, and J. M. Van Dyke (2010). The 1951 San Francisco Peace Treaty and Its Relevance to the Sovereignty over Dokdo. *Chinese Journal of International Law*, 9(4): p. 762.

¹⁸⁰ "Takeshima," Ministry of Foreign Affairs of Japan, <https://www.mofa.go.jp/region/asia-paci/takeshima/index.html>.

territory based on the San Francisco Peace Treaty during the 1962 Normalization Treaty, yet they did not.

After the Court examined *travaux preparatoires* and *effectivites* in the *Ligitan and Sipadan* case, it awarded the islands to Malaysia. The San Francisco Peace Treaty was drafted 18 times before the finalized version was signed; many events affected the draft of the treaty. The original intent of the treaty was clear, that Liancourt Rocks was included in South Korea. Had the Korean War not transpired, perhaps Sebald would have been in charge of drafting the treaty and the finalized version would have been more detailed. In terms of *effectivites*, the Court ruled in *Ligitan and Sipadan* that activities by individuals do not suffice *effectivites* in the absence of administrative authority. Before Japan's acknowledgment of Liancourt Rocks in 1904 for stabilizing sea lion hunting in the region, many historical documents illustrate the administrative functions of the Korean government on the islands. The Court also ruled in favor of the U.K. in the *Miniquiers and Ecrehos* case, which considered various medieval documents that outlined the administrative functions of the U.K. Considering the original intent of the treaty and the administrative function of the Korean government, the ICJ will likely award the islets to South Korea.

The Court will examine the San Francisco Peace Treaty and consider the intent of the treaty, geopolitics, and international conflicts at the time. The Court will also examine the reason behind why South Korea was not invited to the signing ceremony and

because South Korea is not a signatory state, the peace treaty has no binding effect on South Korea's claim over Liancourt Rocks.

The disputed sovereignty of the Liancourt Rocks between South Korea and Japan would resolve rather smoothly and unambiguously if both countries agree to let the ICJ hear the case. The Court will rule in favor of South Korea based upon its historical sovereignty over the Liancourt Rocks as early as 512 AD, whereas Japan's historical claim begins in the early 20th century, which coincides with the period when Japan annexed South Korea. This implies that the Liancourt Rocks came under the jurisdiction of Japan by force.

Despite the historical documents, the San Francisco Peace Treaty implies that Japan never renounced Liancourt Rocks. The ICJ will, based on prior decisions that dealt with territorial disputes, examine *Travaux préparatoires*. The involvement of the U.S. and its self-interest to preserve the Liancourt Rocks under the control of allied powers may cause the peace treaty to not carry as much weight.

Although the U.S. left the ambiguity of sovereignty to be decided by the ICJ, the U.S. perhaps does not want the case to reach the ICJ. Perhaps at the time of drafting the treaty to include the Chapter VI, Article 22, which specifically mentions the ICJ to hear the case, the U.S. did not expect the importance of South Korea to a degree that it exerts today. Once the ICJ acquires details of the peace treaty, the Liancourt Rocks dispute could shift from the matter of sovereignty to focusing on the role of the U.S. in drafting

the treaty, which could gain international spotlight as the involvement of the U.S. in shaping the boundary of a sovereign nation to serve the interest of the U.S.

The Obama administration's affirmation to stand with Japan on the Senkaku island dispute between Japan and China led to South Korea to wonder whether the U.S.-Korea mutual defense treaty applies to the Liancourt Rocks.¹⁸¹ Unlike the Senkaku island dispute, where Japan is one of the U.S.'s strongest and important allies, and China is not, "the idea of the U.S. taking the side of either of its core allies regarding Dokdo is out of the question."¹⁸² Unless South Korea or Japan fiercely take offensive action to claim the Liancourt Rocks, similar to the heated tension over the Senkaku Islands, the U.S. will remain silent and neutral.

South Korea views the territorial dispute with a sentiment of reclaiming what was lost from the Japanese colonialization. The government of South Korea states,

Dokdo was the first Korean territory which fell victim to the Japanese aggression. Now, in the view of the unreasonable and persistent claim of the Japanese government over Dokdo, the Korean people are seriously concerned that Japan might be repeating the same course of aggression. To Korea, Dokdo is not merely a tiny island in the East Sea. It is the symbol of Korean sovereignty.¹⁸³

The sensitive nature of the Japanese colonialization to many South Korean people adds a level of complexity to resolve the territorial dispute, that

(i)t's this historical memory that is responsible for Korea's unwillingness to take this dispute to the International Court of Justice (ICJ). From the South Korean perspective, losing 'Dokdo' would be akin to the post-facto legitimization of Japanese colonial rule. On the one hand, Koreans think that as long as they have effective jurisdiction, there's no point taking the risk that they may lose the

¹⁸¹ Sang-ho Song, "Will U.S. Back Korea over Dokdo?" The Korea Herald, The Korea Herald, 1 May 2014, www.koreaherald.com/view.php?ud=20140501000762.

¹⁸² Ibid.

¹⁸³ "Dokdo, Why Dokdo Is Korean Territory: MOFA Dokdo," Dokdo, Beautiful Island of Korea, <http://dokdo.mofa.go.kr/eng/dokdo/reason.jsp>.

islands. But more importantly, referral of the case to the ICJ appears to concede that Japanese claims to the islands are valid.¹⁸⁴

Given the emotional significance of the islands, South Korean lawmakers would not dare to propose a happy medium to resolve the dispute as it will be political suicide.

Likewise, Japan will not back down from claiming the sovereignty, which raises the importance of the U.S. being the mediator to resolve the issue.

¹⁸⁴ Dong-Joon Park, and Danielle Chubb. "Why Dokdo Matters to Korea." *The Diplomat*, The Diplomat, 17 Aug. 2011, thediplomat.com/2011/08/why-dokdo-matters-to-korea/.

Conclusion

Should the Trump administration successfully come to an agreement with North Korea on denuclearization, what would be the justification to keep the THAAD system in South Korea? Would the U.S. remove the THAAD system from the Seongju base since the main justification of the missile defense system is no longer imminent, or would the U.S. keep the already deployed system in place and defend its decision with different justifications? The U.S. could argue to keep the system in place for the protection of the nuclear powerplants other valuable assets concentrated in the southern part of the Korean peninsula. The limitation of this paper is largely due to the unpredictable behaviors of North Korea, which on the other hand allows it to shed a light on the importance of resolving issues remaining between South Korea and Japan in the interest of advancing the U.S. foreign policy in East Asia.

The path to the deployment of the THAAD system in South Korea has disadvantaged ordinary citizens of South Korea. The small business owners dependent on Chinese tourists and companies dependent on exporting goods to China suffered economic hardship as well as South Korean businesses in China suffered unjust economic constraints. Considering the myriad number of foreign policy think tanks and intelligence resources available in Washington, it would be benign to think that the U.S. did not expect China to respond to the THAAD deployment in South Korea. South Korea was placed in the middle of the tug of war between China and the U.S. and the THAAD system was a good indicator for the U.S. to show China and the rest of the world that the U.S. is capable of exerting influence despite foreseen economic hardship.

The government of South Korea decided to suffer economically rather than to face criticism from the U.S. government. How could the U.S. impose trade sanctions or disadvantage South Korean firms in the United States or limit the number of U.S. tourists visiting South Korea, had the government of South Korea decided not to allow the deployment of the THAAD system? The U.S. could have criticized the government of Korea for placing its citizens in danger from possible missile attacks from North Korea, but from the perspective of ordinary citizens, the possible threat, which continued since the Korean War ended in 1953 with the Korean Armistice Agreement, is not as real as economic hardship.

The Japan-U.S. Defense Cooperation relieves the U.S. from being the sole peacekeeper in the East Asia region and allows the U.S. military to deploy resources strategically and hastily to where it needs to be. Considering China's involvement in the South China Sea, the U.S. could rely on the Japanese troops should a military engagement happens in the region. The Japanese government will likely not bypass the opportunity to militarize its Self Defense Force even if it means amending the constitution. However, in the context of defending South Korea from a possible attack from North Korea, the notion of having Japanese troops on South Korean soil is unimaginable given the vivid Japanese colonialization horrific memories still living in South Koreans.

The THAAD deployment in South Korea and the Japan-U.S. Defense Cooperation are two military strategies aimed at pressuring the Chinese government from achieving its military presence in the East Asia region. The THAAD defense systems located to the east and west of China deter any possible missile threats from China and

the revised Japan-U.S. Defense Cooperation allows the East Asian nation to engage in the East Asia regional matters, successfully sharing the peacekeeping agenda with those in the region and eliminating the notion of the western superpower keeping its nose in the matters of East Asia. As mentioned previously, sharing the peacekeeping burden with Japan is a plausible strategy by the U.S., but if the defense cooperation does not limit the scope of how far the Self Defense Force could go, anti-Americanism could transpire in South Korea blaming the U.S. government for allowing the Japanese troops to set foot on South Korean soil.

The “Comfort Women” issue remains unresolved despite the agreement that was reached in December 2015 and the incumbent South Korean President Moon repeatedly promised to revisit the agreement, showing that the “final and irreversible” nature of the December 2015 agreement is not appealing to the general public, especially the victims of the “Comfort Women.” The United States is in a difficult position to engage as favoring one nation over the other could mean a deterioration in the well-maintained relationship, as it places the U.S. in the “Who do you like better, mom or dad?” situation.

Studies on behaviors of the U.S. military in regards to establishing rules around how to engage in sexual activities with South Korean women near the military bases may place the U.S. in a discomforting position considering that ultimately, the brothels served a purpose to stabilize the sexual needs of the U.S. soldiers, similar to the justification behind creating the “Comfort Women” around the Japanese Imperial army bases. Perhaps this is the reason behind the silence on the issue of the “Comfort Women,” that

the U.S. too in fact considered South Korean women as a means to support and sustain the military strength during the times of uncertainty.

Considering a handful of the “Comfort Women” victims alive, if the government of Korea and Japan does not reach a sought-after agreement hastily, the relationship between South Korea and Japan could worsen than it already is. In the case where there are no longer surviving victims of the “Comfort Women,” which would nullify any demands made by the South Korean government to this date since there is no one for the government of Japan to sincerely apologies to, the government of Japan would move on from this issue whereas the government of South Korea could repeatedly resurface the issue and blame Japan for not taking the matter seriously. This could weaken the South Korea-Japan relationship by placing distrust between the two nations, placing the U.S. in a difficult situation as a presumptive leader in the trilateral relationship.

The “Comfort Women” issue and the territorial dispute surrounding the Liancourt Rocks might not have an immediate impact on the U.S.’s foreign policy agendas, yet when considering the importance of the pivot to Asia strategy and the success of it being dependent on how effectively the U.S. could control the influence of China in the East Asia region, these issues should not be taken lightly. The Liancourt Rocks dispute could be resolved relatively smoother if the U.S. could convince both governments to submit the dispute to the ICJ. As the San Francisco Peace Treaty of 1951 states, the ICJ has the authority to hear disputes on matters referred to in the treaty. Based on the findings of the ICJ’s historic territory dispute cases, the ICJ would likely award the Liancourt Rocks to South Korea. The historical documents revealing South Korea’s control of the Liancourt Rocks and the government of Japan’s acknowledgment of it being a part of

South Korea's territory should award it to South Korea. For the government of Japan to counter against the historical documents is to reject its own history. Albeit the proceedings of the case would reveal how the Liancourt Rocks became a part of Japanese territory, which would again place the U.S. in a discomforting position since the decision to place the Liancourt Rocks under the Japanese territory was to be able to establish a line of defense closest to the Korean peninsula, the dispute should not continue for the benefit of the U.S.'s interest in the East Asia region. The United States government could receive criticism on how a powerful nation manipulated borders of a relatively fragile sovereign nation in a single treaty, without that nation being present at the signing ceremony. However, I would argue that the criticism on past actions does not outweigh the pivot to Asia agenda. As the pivot to Asia policy from the Obama administration and passage of the ARIA by the Trump administration reveals the importance of containing the influence of China in the East Asia region.

The ARIA mandates the incumbent administration to adhere to the agenda set forth in the law, which indicates that the law will live through the next administration taking the White House. Considering the timeline of the pivot the Asia policy by the Obama administration, the significance of limiting China's power in the East Asia region is an idea that lived through almost a decade long regardless of many high ranking political officials that were in charge over the years of making foreign policy agenda. Nonetheless, if South Korea and Japan continue to battle over the issue of the "Comfort

Women” and the Liancourt Rocks dispute, perfectly tailored U.S. foreign policies may not see the desired outcome.

South Korea and Japan should come to an agreement on these issues in order to enhance the U.S. – South Korea – Japan trilateral relationship and only the U.S. could be the mediator. As the THAAD deployment and the Japan-U.S. Defense Cooperation revealed, the significance of limiting China’s influence in the East Asia region is a priority for U.S. foreign policy and the U.S. cannot limit China alone without the proper support from South Korea and Japan. If China exerts greater influence in Asia, half of the world’s population is then influenced by a nation that does not agree with the political ideology of the U.S. As the pivot to Asia strategy is a reaction to “surprise, mistakes, and inattention,”¹⁸⁵ the U.S. cannot afford to be surprised again by the weight of the “Comfort Women” issues and the Liancourt Rocks dispute, cannot make the mistake of not actively trying to find a solution, and cannot remain inattentive as a spectator.

¹⁸⁵ Anderson, Nicholas D., and Victor D. Cha. 2017. “The Case of the Pivot to Asia: System Effects and the Origins of Strategy.” *Political Science Quarterly* (Wiley-Blackwell) 132 (4): p. 616.

Bibliography

- “About Bills, Resolutions, and Laws.” About Bills, Resolutions, and Laws. Accessed April 15, 2016. https://www.lexisnexis.com/help/CU/Serial_Set/About_Bills.htm.
- Anderson, Nicholas D., and Victor D. Cha. 2017. “The Case of the Pivot to Asia: System Effects and the Origins of Strategy.” *Political Science Quarterly* (Wiley-Blackwell) 132 (4): 595. doi:10.1002/polq.12703.
- Apple, R. W. “WAR IN THE GULF: Scud Attack; Scud Missile Hits a U.S. Barracks, Killing 27.” *The New York Times*. The New York Times, February 26, 1991. <https://www.nytimes.com/1991/02/26/world/war-in-the-gulf-scud-attack-scud-missile-hits-a-us-barracks-killing-27.html>.
- Botto, Kathryn. “Overcoming Obstacles to Trilateral U.S.-ROK-Japan Interoperability - Korea Net Assessment 2020: Politicized Security and Unchanging Strategic Realities.” *Carnegie Endowment for International Peace*, 18 Mar. 2020, carnegieendowment.org/2020/03/18/overcoming-obstacles-to-trilateral-u.s.-rok-japan-interoperability-pub-81236.
- Chou, Chih-Chieh. "An Emerging Transnational Movement In Women's Human Rights: Campaign of Nongovernmental Organizations on "Comfort Women" Issue in East Asia." *Journal of Economic and Social Research* 4.2 (2003): 153-181
- Constante, Agnes. “Who Are the 'Comfort Women,' and Why Are U.S.-Based Memorials for Them Controversial?” *NBCNews.com*. NBCUniversal News Group, May 8, 2019. <https://www.nbcnews.com/news/asian-america/who-are-comfort-women-why-are-u-s-based-memorials-n997656>.
- “Comment by Minister for Foreign Affairs Makiko Tanaka on the Official Stance Conveyed by the Government of the Republic of Korea on the Decision to Authorize Japanese History Textbooks.” MOFA. Accessed April 26, 2016. <http://www.mofa.go.jp/announce/announce/2001/5/0508.html>.
- The Constitution of Japan.
https://japan.kantei.go.jp/constitution_and_government_of_japan/constitution_e.html
- Dan Sauter, Harry J. Kazianis. “THAAD: America's Super Shield against Ballistic Missiles?” *The National Interest*. The Center for the National Interest, March 6, 2017. <https://nationalinterest.org/feature/thaad-americas-super-shield-against-ballistic-missiles-11701>.

- “Dokdo, Why Dokdo Is Korean Territory: MOFA Dokdo.” Dokdo, Beautiful Island of Korea. Accessed February 9, 2020. <http://dokdo.mofa.go.kr/eng/dokdo/reason.jsp>.
- DOOLAN, YURI W. 2019. “Transpacific Camptowns: Korean Women, US Army Bases, and Military Prostitution in America.” *Journal of American Ethnic History* 38 (4): 33–54. doi:10.5406/jamerethnhist.38.4.0033.
- Dorell, Oren. “Japanese Prime Minister Stands by Apologies for Japan's WWII Abuses.” *USA Today*. Gannett Satellite Information Network, April 29, 2015. <https://www.usatoday.com/story/news/world/2015/04/29/japan-shinzo-abe-joint-session-of-congress-speech/26566135/>.
- Eilperin, Juliet. “Agreement on 'Comfort Women' Offers Strategic Benefit to U.S. in Asia-Pacific.” *The Washington Post*. WP Company, January 9, 2016. https://www.washingtonpost.com/politics/agreement-on-comfort-women-offers-ancillary-benefit-to-us-in-asia-pacific/2016/01/09/41a03d84-b54c-11e5-a842-0feb51d1d124_story.html.
- Govinfo, www.govinfo.gov/app/details/PLAW-115publ409.
- "The Guidelines for Japan-U.S. Defense Cooperation. April 27, 2015." Embassy of Japan in the United States of America. https://www.us-emb-japan.go.jp/english/html/Guidelines_for_Japan_US_Defense_Cooperation.pdf
- Hara, K. (2001). 50 Years from San Francisco: Re-examining the Peace Treaty and Japan's Territorial Problems. *Pacific Affairs*, 74(3), 361.
- Henry, Nicola. 2013. “Memory of an Injustice: The ‘Comfort Women’ and the Legacy of the Tokyo Trial.” *Asian Studies Review* 37 (3): 362–80. doi:10.1080/10357823.2013.771770.
- Honda, Michael M. “H.Res.121 - 110th Congress (2007-2008): A Resolution Expressing the Sense of the House of Representatives That the Government of Japan Should Formally Acknowledge, Apologize, and Accept Historical Responsibility in a Clear and Unequivocal Manner for Its Imperial Armed Forces' Coercion of Young Women into Sexual Slavery, Known to the World as ‘Comfort Women’, during Its Colonial and Wartime Occupation of Asia and the Pacific Islands from the 1930s through the Duration of World War II.” *Congress.gov*, July 30, 2007. <https://www.congress.gov/bill/110th-congress/house-resolution/121>.
- Hook, Steven W., and John W. Spanier. *American Foreign Policy since World War II*. 18th ed. Los Angeles, CA: SAG/CQ Press, 2019.

“How Good Is the New Missile Defense System the US Just Deployed in South Korea?”
The World from PRX. Accessed July 14, 2020. <https://www.pri.org/stories/2017-05-03/how-good-new-missile-defense-system-us-just-deployed-south-korea>.

Kaisheng, Li. “US Uses THAAD to Worsen Peninsula Rifts.” Global Times. Global Times, April 13, 2015. <http://www.globaltimes.cn/content/916660.shtml>.

Kim, Christine. “South Korea Deploys U.S. Anti-Missile Launchers amid Clashes with Protesters.” Reuters. Thomson Reuters, September 7, 2017. <https://www.reuters.com/article/us-northkorea-missiles-southkorea-thaad/south-korea-deploys-u-s-anti-missile-launchers-amid-clashes-with-protesters-idUSKCN1BI03H>.

Kissinger, Henry. *World Order*. New York, NY: Penguin Books, 2015.

Klinger, Bruce. “Why South Korea Needs THAAD Missile Defense.” The International Relations and Security Network, April 21, 2015, <https://isdp.eu/content/uploads/publications/2015-klingsner-why-south-korea-needs-thaad-missile-defense.pdf>

Kuki, Sonya. 2013. “The Burden of History: The Issue of ‘Comfort Women’ and What Japan Must Do to Move Forward.” *Journal of International Affairs* 67 (1): 245–56. <http://search.ebscohost.com.proxy1.library.jhu.edu/login.aspx?direct=true&AuthType=ip,shib&db=bsu&AN=92960962&site=ehost-live&scope=site>

Lee, Na Young. 2007. “The Construction of Military Prostitution in South Korea during the U.S. Military Rule, 1945-1948.” *Feminist Studies* 33 (3): 453–81. <http://search.ebscohost.com.proxy1.library.jhu.edu/login.aspx?direct=true&AuthType=ip,shib&db=asn&AN=31861077&site=ehost-live&scope=site>.

Lee, S., and Van Dyke, J. M. (2010). The 1951 San Francisco Peace Treaty and Its Relevance to the Sovereignty over Dokdo. *Chinese Journal of International Law*, 9(4), 741-762. doi: 10.1093/chinesejil/jmq030

Li, Yang. 2020. “Reflections on Postwar Nationalism: Debates and Challenges in the Japanese Academic Critique of the ‘Comfort Women’ System.” *Chinese Studies in History* 53 (1): 41–55. doi:10.1080/00094633.2019.1689758.

Lim, Darren J. “TheAsanForum.” *Chinese Economic Coercion during the THAAD Dispute* | *The Asan Forum*, 28 Dec. 2019, www.theasanforum.org/chinese-economic-coercion-during-the-thaad-dispute/.

Luce, Henry Robinson. *The American Century*. New York, NY: Time, Inc., 1941.

Macias, Amanda. “Here's How The World's Most Advanced Missile Defense System Works.” Business Insider, January 17, 2015.

- <https://www.businessinsider.in/Heres-How-The-Worlds-Most-Advanced-Missile-Defense-System-Works/articleshow/45927211.cms>.
- MacLeod, Calum. "North Korea Expands Nuclear Arsenal, Chinese Experts Say." USA Today. Gannett Satellite Information Network, April 23, 2015.
<https://www.usatoday.com/story/news/2015/04/23/north-korea-nuclear-weapons-increased-estimate/26226981/>.
- Nakamura, David. "In Speech to Congress, Abe Lays out More Assertive Role for Japan." The Washington Post. WP Company, April 29, 2015.
https://www.washingtonpost.com/politics/in-speech-to-congress-abe-lays-out-more-assertive-role-for-japan/2015/04/29/a4387bae-ee79-11e4-a55f-38924fca94f9_story.html.
- Mayali, Laurent, and John Yoo. 2018. "Resolution of Territorial Disputes in East Asia: The Case of Dokdo." *Berkeley Journal of International Law* 36 (3): 505–51.
doi:10.15779/Z381R6N13R.
- Martin, Bridget. "Moon Jae-In's THAAD Conundrum: South Korea's 'Candlelight President' Faces Strong Citizen Opposition on Missile Defense." *The Asia-Pacific Journal: Japan Focus*, 15 Sept. 2017, apjff.org/2017/18/Martin.html.
- Meick, Ethan, and Nargiza Salidjanova. *China's Response to U.S.-South Korean Missile Defense System Deployment and Its Implications*, U.S.-China Economic and Security Review Commission, 26 July 2016,
www.uscc.gov/sites/default/files/Research/Report_China's%20Response%20to%20THAAD%20Deployment%20and%20its%20Implications.pdf.
- Mochizuki, Mike M., and Samuel Parkinson Porter. 2013. "Japan under Abe: Toward Moderation or Nationalism?" *Washington Quarterly* 36 (4): 25.
doi:10.1080/0163660X.2013.861709.
- Nominations before the Senate Armed Services Committee. (2008, May 22). *Second session, 110th congress*. Retrieved from U.S. Government Publishing Office.
<https://www.govinfo.gov/content/pkg/CHRG-110shrg46092/html/CHRG-110shrg46092.htm>
- Oi, Mariko. "What Japanese History Lessons Leave Out." BBC News. BBC, March 14, 2013. <http://www.bbc.com/news/magazine-21226068>.
- Oswald, Rachel. "Senate Eyes Passage of Bill to Check China in Asia-Pacific." *Roll Call*, 2 Oct. 2018, www.rollcall.com/2018/10/02/senate-eyes-passage-of-bill-to-check-china-in-asia-pacific/.

- Panda, Ankit. "South Korea, China Trade Barbs Over THAAD." – The Diplomat. for The Diplomat, March 18, 2015. <https://thediplomat.com/2015/03/south-korea-china-trade-barbs-over-thaad/>.
- Park, Dong-Joon, and Danielle Chubb. "Why Dokdo Matters to Korea." *The Diplomat*, The Diplomat, 17 Aug. 2011, thediplomat.com/2011/08/why-dokdo-matters-to-korea/.
- Park, Hwee Rhak. 2018. "The Ballistic Missile Defense Construction Strategies of South Korea and Japan: Self-Reliance versus Cooperation with the US." *Journal of International and Area Studies* 25 (2): 87–105.
<http://search.ebscohost.com.proxy1.library.jhu.edu/login.aspx?direct=true&AuthType=ip,shib&db=eoh&AN=1763609&site=ehost-live&scope=site>.
- "Presidential Memorandum on Rebuilding the U.S. Armed Forces." The White House. The United States Government. Accessed June 11, 2019.
<https://www.whitehouse.gov/presidential-actions/presidential-memorandum-rebuilding-u-s-armed-forces/>.
- "Republic of Korea and United States Make Alliance Decision to Deploy THAAD to Korea" U.S. Department of Defense. Release No. NR-254-16. July 7, 2016.
- Reports of Judgments, Advisory Opinions and Orders. Case Concerning the Temple of Preah Vihear. Judgment of 15 1962: p. 1-35. Accessed July 11, 2014.
<https://www.icj-cij.org/files/case-related/45/045-19620615-JUD-01-00-EN.pdf>
- Sakaki, Alexandra, and Junya Nishino. 2018. "Japan's South Korea Predicament." *International Affairs* 94 (4): 735–54. doi:10.1093/ia/iyy029.
- Sankaran, Jaganath, and Bryan L. Fearey. "Missile Defense and Strategic Stability: Terminal High Altitude Area Defense (THAAD) in South Korea." *Contemporary Security Policy* 38, no. 3 (2017): 321–44.
<https://doi.org/10.1080/13523260.2017.1280744>.
- Schwartz, Thomas, and Yoo, John. Asian Territorial Disputes and the 1951 San Francisco Peace Treaty: The Case of Dokdo, *Chinese Journal of International Law*, Volume 18, Issue 3, September 2019, Pages 503–550, <https://doi-org.proxy1.library.jhu.edu/10.1093/chinesejil/jmz017>
- Seib, Gerald F. "Obama Presses Case for Asia Trade Deal, Warns Failure Would Benefit China." *The Wall Street Journal*. Dow Jones & Company, April 27, 2015.
<https://www.wsj.com/articles/obama-presses-case-for-asia-trade-deal-warns-failure-would-benefit-china-1430160415>.

- Seo, Jungmin. 2008. "Politics of Memory in Korea and China: Remembering the Comfort Women and the Nanjing Massacre." *New Political Science* 30 (3): 369–92. doi:10.1080/07393140802269021.
- Song, Sang-ho. "Will U.S. Back Korea over Dokdo?" *The Korea Herald*, The Korea Herald, 1 May 2014, www.koreaherald.com/view.php?ud=20140501000762.
- "South Korea Deploys U.S. Anti-Missile Launchers amid Clashes with Protesters." Reuters. Thomson Reuters, September 7, 2017. <https://www.reuters.com/article/us-northkorea-missiles-southkorea-thaad/south-korea-deploys-u-s-anti-missile-launchers-amid-clashes-with-protesters-idUSKCN1BI03H>.
- "Staff and Students to Learn about Human Trafficking and Commercial Sexual Exploitation of Children." SFUSD. Accessed March 14, 2020. <https://archive.sfusd.edu/en/news/current-news/2015-news-archive/10/staff-and-students-to-learn-about-human-trafficking-and-commercial-sexual-exploitation-of-children.html>.
- Staff, WSJ. "Full Text: Japan-South Korea Statement on 'Comfort Women'." *The Wall Street Journal*. Dow Jones & Company, December 28, 2015. <https://blogs.wsj.com/japanrealtime/2015/12/28/full-text-japan-south-korea-statement-on-comfort-women/>.
- Stiles, Matt. "Upset over a U.S. Missile Defense System, China Hits South Korea Where It Hurts - in the Wallet." *Los Angeles Times*, Los Angeles Times, 28 Feb. 2018, www.latimes.com/world/asia/la-fg-china-south-korea-tourism-20180228-htmlstory.html.
- "Strategic Defense Initiative (SDI)." Atomic Heritage Foundation, July 18, 2018. <https://www.atomicheritage.org/history/strategic-defense-initiative-sdi>.
- Sukhee Han. 2019. "Resetting the South Korea--China Relationship: The THAAD Controversies and Their Aftermath." *Korean Journal of Defense Analysis* 31 (4): 539–57. <http://search.ebscohost.com.proxy1.library.jhu.edu/login.aspx?direct=true&AuthType=ip,shib&db=tsh&AN=139897687&site=ehost-live&scope=site>.
- Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice. *Minquiers and Ecrehos Case*, Judgement of 18 November 1953. Accessed July 11, 2014. <https://www.icj-cij.org/files/case-related/17/2025.pdf>.
- Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice. *Case Concerning Sovereignty over Pulau Ligitan and Pulau Sipadan*. Judgment of 17 December 2002: p. 263-272. Accessed July 11, 2014. <https://www.icj-cij.org/files/case-related/102/10570.pdf>

- Sumner, Brian Taylor. "Territorial Disputes at the International Court of Justice." *Duke Law Journal* 53, no. 6 (2004): 1779-812. Accessed July 11, 2014.
www.jstor.org/stable/40040452.
- "Takeshima." Ministry of Foreign Affairs of Japan. Accessed March 2, 2020.
<https://www.mofa.go.jp/region/asia-paci/takeshima/index.html>.
- Tatsumi, Yuki. "Japan, South Korea Reach Agreement on 'Comfort Women'." – *The Diplomat*. for *The Diplomat*, December 28, 2015.
<https://thediplomat.com/2015/12/japan-south-korea-reach-agreement-on-comfort-women/>.
- "THAAD on the Korean Peninsula." *Institute for Security and Development Policy*, Institute for Security and Development Policy, 9 Oct. 2017,
isdp.eu/publication/korea-thaad/.
- Tsukamoto, Takashi. "The Treaty of Peace with Japan and Takeshima's Legal Status: Research." *Review of Island Studies*, June 10, 2013.
<https://www.spf.org/islandstudies/research/a00002.html>.
- Tsuruoka, Doug. "Q&A With Angelo Codevilla: US Can Shoot down North Korea's Missiles - but China Remains Elephant in Room." *Asia Times*, 17 Feb. 2020,
asiatimes.com/2017/04/qa-us-can-shoot-north-koreas-missiles-china-remains-elephant-room/.
- "The Treaty of Peace with Japan and Takeshima's Legal Status: Research." *Review of Island Studies*. Accessed March 21, 2020.
<https://www.spf.org/islandstudies/research/a00002.html>.
- "UN, United Nations, UN Treaties, Treaties." United Nations. United Nations. Accessed July 12, 2014.
https://treaties.un.org/Pages/Content.aspx?path=DB%2FLoNOnline%2FpageIntro_en.xml.
- Varga, Aniko. 2009. "National Bodies: The 'Comfort Women' Discourse and Its Controversies in South Korea." *Studies In Ethnicity & Nationalism* 9 (2): 287–303. doi:10.1111/j.1754-9469.2009.01054.x.
- Yan, Holly, KJ Kwon, Junko Ogura, and Tiffany Ap. "South Korea, Japan Reach Agreement on 'Comfort Women'." *CNN*. Cable News Network, December 29, 2015. <https://www.cnn.com/2015/12/28/asia/south-korea-japan-comfort-women/index.html>.
- Yang, Florence (Wen-Ting). 2019. Asymmetrical interdependence and sanction: China's economic retaliation over south korea's THAAD deployment. *Issues and*

Studies 55, (4) (12): 1-39, <https://search-proquest-com.proxy1.library.jhu.edu/docview/2350124143?accountid=11752> (accessed March 11, 2020).

You-me Park. 2010. "Compensation to Fit the Crime: Conceptualizing a Just Paradigm of Reparation for Korean 'Comfort Women.'" *Comparative Studies of South Asia, Africa, & the Middle East* 30 (2): 204–13. doi:10.1215/1089201x-2010-005.

"2014 Report to Congress of the U.S.-China Economic and Security Review Commission." <https://www.uscc.gov/annual-report/2014-annual-report-congress>

2019 Missile Defense Review, https://www.defense.gov/Portals/1/Interactive/2018/11-2019-Missile-Defense-Review/The%202019%20MDR_Executive%20Summary.pdf

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